

FILED

STATE OF INDIANA  
INDIANA UTILITY REGULATORY COMMISSION

OCT 29 2002

IN THE MATTER OF THE PETITION OF )  
INDIANA BELL TELEPHONE COMPANY, )  
INCORPORATED, D/B/A AMERITECH INDIANA )  
PURSUANT TO I.C. 8-1-2-61 FOR A THREE- )  
PHASE PROCESS FOR COMMISSION REVIEW )  
OF VARIOUS SUBMISSIONS OF AMERITECH )  
INDIANA TO SHOW COMPLIANCE WITH )  
SECTION 271(C) OF THE )  
TELECOMMUNICATIONS ACT OF 1996. )

INDIANA UTILITY REGULATORY COMMISSION

CAUSE NO. 41657

INDIANA CLECS' RESPONSE TO  
AMERITECH INDIANA'S SUBMISSION OF ADDITIONAL INFORMATION

WorldCom, Inc., AT&T Communications of Indiana, G.P. ("AT&T") on behalf of itself and its affiliate TCG Indianapolis ("TCG"), McLeodUSA Telecommunications Services, Inc. ("McLeod"), Z-Tel Communications ("Z-Tel") and Time Warner Telecom ("Time Warner") ("Indiana CLECs"), by counsel, respectfully tender the following response to Ameritech Indiana's October 28, 2002 "Submission of Additional Information Relevant to Matters Discussed at October 17, 2002 Attorneys' Conference" in order to provide the Commission with additional clarifying information.

Ameritech Indiana's submission fails to provide a full and accurate summary of the status of events in the Wisconsin 271 case in several key regards:

- By stating that the PSCW "has directed Staff under the supervision of the administrative law judge to prepare and submit a proposed order in the Petition of Wisconsin Bell, Inc. for a Section 271 Checklist Proceeding" (*see* Ameritech Indiana's Submission at 2), Ameritech Indiana implies that that the Public Service Commission of Wisconsin ("PSCW") has directed its Staff to prepare and submit a proposed order resolving the *entire* 271 proceeding. However, the October 25, 2002 Notice issued by the PSCW in Docket No. 6720-TI-170 and appended to Ameritech Indiana's Submission (the "Notice") addresses *only the Phase I issues* in that Wisconsin proceeding (the non-OSS and non-UNE pricing issues). Indeed, the opening paragraph of the Notice plainly and unequivocally states that "staff will prepare at the direction of the Commission and under the supervision of the ALJ, *a proposed order on Phase I issues* to be circulated to the parties for comment." (*See* Notice at 1; *emphasis added*). Ameritech Indiana's Submission omits any reference to this important qualifier

- As discussed at the PSCW's open meeting of October 22, 2002, and contrary to Ameritech Indiana's implicit assertion described above, the Commission has made no determinations at this time regarding the progress of Phase II of the Wisconsin 271 case.<sup>1</sup>
- Although Ameritech Indiana seems to imply that the PSCW has made a determination on the issue of hearings by virtue of the PSCW's direction to Staff to prepare a draft order (without mentioning the qualification that this order will only address Phase I), in reality, per the discussion at its October 22<sup>nd</sup> open meeting, the PSCW has reserved the issue of hearings on the Phase I issues until after reviewing Staff's proposed order and the parties' comments thereon;<sup>2</sup>
- Ameritech Indiana fails to make clear that *the PSCW has not closed the record in the Wisconsin 271 proceeding*, and that the Notice plainly solicits further factual allegations from the parties, as well as the identification of discovery responses necessary to support their position on the record. (See Notice at 1-2);

Far from supporting Ameritech Indiana's proposed process here, the Wisconsin Notice only highlights the duplicative work that has been necessitated by the PSCW's decision to require the filing of initial comments and affidavits early on in the 271 proceeding, prior to the collaboratives, as the parties are now being asked to prepare a *second* set of Comments for the Commission's consideration now that the collaboratives have been completed and the factual record continues to develop.

This sort of duplicative effort is precisely the sort of unnecessary consumption of limited resources that the Indiana CLECs seek to avoid here in asking the IURC to conduct collaboratives and permit discovery *prior* to forcing the parties to commit substantial resources to the preparation of written comments that will ultimately need to be revised or redone in order to provide a complete record at a later point in time. The 59-page, single-spaced issue matrix populated by the parties to the Wisconsin proceeding, in conjunction with the 8-page single-spaced issues list negotiated and agreed to by those parties, and the 8-page single-spaced

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<sup>1</sup> Although the PSCW's open meetings are not transcribed, the Indiana CLECs have attached as Exhibit 1 a reported summary of the PSCW's October 22<sup>nd</sup> meeting prepared by an outside vendor (with the vendor's permission) for the Commission's reference. (See discussion of Agenda Item 13 at pp. 5-11 of Exhibit 1).

<sup>2</sup> See Exhibit 1 at p. 10 in particular.

Disputed Issues Summary generated by the PSCW Staff are ample resources and are wholly sufficient to direct the collaboratives in Indiana. Copies of these documents are attached hereto as Exhibits 2, 3 and 4 respectively. As Ameritech Indiana repeatedly stated at the October 17<sup>th</sup> attorneys' conference, this is the fifth 271 proceeding in which Ameritech has participated. Given this, it is remarkable that Ameritech Indiana would claim that it would be in the dark as to the parties' positions without first seeing written comments on the subject of its 271 checklist compliance.

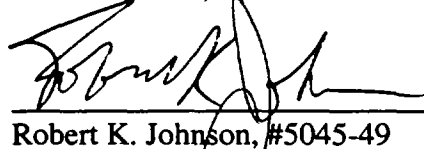
The CLECs respectfully urge the Commission to learn from the experiences of the Wisconsin process and conduct this case by making issue-identification collaboratives and discovery the next steps in this proceeding, and deferring any requirement that intervenors file written comments immediately.

Dated: October 29, 2002

Respectfully submitted,

WORLDCOM, INC.

By:



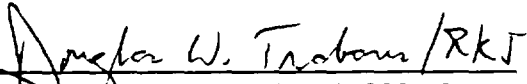
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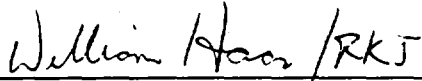
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TCG INDIANAPOLIS

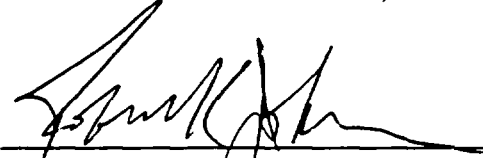
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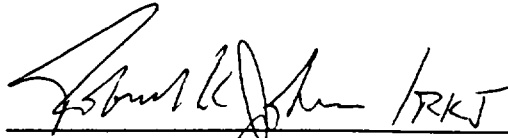
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TIME WARNER TELECOM

By: \_\_\_\_\_



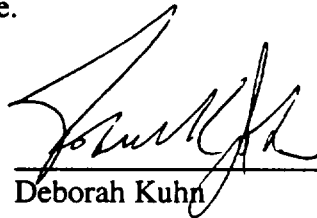
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**CERTIFICATE OF SERVICE**

The undersigned certifies that on the 29<sup>th</sup> day of October, 2002, copies of the foregoing *Indiana CLECs' Response to Ameritech Indiana's Submission of Additional Information* were mailed by first-class United States mail, postage prepaid to:

Anne E. Becker  
Office of the Utility Consumer Counselor  
Indiana Government Center North, Room N501  
100 N. Senate Av.  
Indianapolis, IN 46204-2208

And to all other counsel of record via e-mail service.

  
\_\_\_\_\_  
Deborah Kuhn

# Utility Regulation Report

October 22, 2002

Published by Preferred Intelligence, LLC

## PSCW Open Meeting: Tuesday, October 22, 2002, at 10:00 a.m.

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The next open meeting is scheduled for Tuesday, October 29, 2002, at 10:00 a.m.

- Agenda Item 1.** [05-AU-105] 3-0, to issue the proposed notice of investigation for the Application for Approval of an Affiliated Interest Agreement Between Wisconsin Energy Corporation; WICOR, Inc.; Wisconsin Electric Power Company; Wisconsin Gas Company; and Other Nonutility Affiliates. .... 2
- Agenda Item 2.** [05-EI-129] 3-0, to issue the draft final decision for the Investigation on the Commission's Own Motion Into Recovery of Accounting Deferrals of Wisconsin Electric Utilities Related to the Formation of the American Transmission Company and American Transmission Company Related Operation Costs. .... 2
- Agenda Item 3.** [1140-GR-105] 3-0, to issue the proposed notice of proceeding for the Application of City Gas Company for Authority to Increase Natural Gas Rates. .... 2
- Agenda Item 4.** [4220-GP-105] 3-0, The Commission approved Northern States Power Company-Wisconsin's 2002-2005 gas supply plan for the period beginning November 1, 2002, and issued the corresponding draft order approving the gas supply plan. .... 2
- Agenda Item 5.** [05-DT-105] 3-0, to issue the proposed notice of investigation In the Matter of the Biennial Review of Depreciation Rates and Ranges for Classes of Capital of Telecommunications Utilities Required by Wis. Stat. § 196.09(9)(a). .... 2
- Agenda Item 6.** [6720-TI-161] 3-0, to issue the draft order for collocation comments in the Investigation Into Ameritech Wisconsin's Unbundled Network Elements. .... 3
- Agenda Item 7.** [05-TI-156] 3-0, The Commission granted the request of the Wisconsin Pay Telephone Association to reopen the proceedings in the subject docket, at least for the limited purposes of soliciting comments from other stakeholders. This involves the Investigation of Whether Telecommunications Utilities in Wisconsin Are in Compliance With the Federal Communications Act, 47 U.S.C. § 151 et seq., and Chapter 196, Wis. Stat., With Respect to Pay Telephone Services Offered in This State. .... 3
- Agenda Item 8.** [6050-TI-102] 3-0, The Commission directed the Telecommunications Division to issue an order which approves a request by Frontier Communications of Wisconsin, Inc., to extend the terms and conditions of its existing alternative regulation plan until the earlier of: (1) the effective date of the new plan, or (2) January 31, 2003. .... 4
- Agenda Item 9.** [4120-WR-102] 3-0, to issue the proposed notice of proceeding for the Application of the City of New Lisbon, Juneau County, as a Water Public Utility, for Authority to Increase Water Rates. .... 4
- Agenda Item 10.** [4225-WR-101] 3-0, to issue the proposed notice of proceeding for the Application of Northfield Sanitary District No. 1, Jackson County, as a Water Public Utility, for Authority to Change Its Method of Cost Recovery of Providing Public Fire Protection Service. .... 4
- Agenda Item 11.** [5360-WR-101] 3-0, to issue the proposed notice of proceeding for the Application of Shawano Lake Sanitary District No. 1, Shawano County, as a Water Public Utility, for Authority to Change Its Method of Cost Recovery of Providing Public Fire Protection Service. .... 4
- Agenda Item 12.** [EL02-65-010] 3-0, to issue the comments in this docket as amended by their discussion

for the Alliance Companies, et. al., Midwest Independent Transmission System Operator, Inc., PJM Interconnection, LLC.....	5
<b>Agenda Item 13.</b> [6720-TI-170] 3-0, The Commissioners agreed to adopt a suggested minute indicating that staff and the ALJ propose a draft order on the Phase One issues consistent with the first two bullet points of Option 4 on page 10 of the staff memo with the addendum being a January 15, 2003, date for receipt of the order. This involves the Petition of Wisconsin Bell, Inc., for a Section 271 Checklist Proceeding. ....	5
<b>Agenda Item 14.</b> [05-CE-128] No Additional Information on the Application of the Rainy River Energy Corporation-Wisconsin for a Certificate of Public Convenience and Necessity to Construct and Place in Operation a Large Natural Gas-Fired Electric Power Generating Facility and Associated High Voltage Transmission Line and Natural Gas Pipeline Interconnection Facilities to be Located in the City of Superior, Douglas County (LAYOVER from 10/17/02). ....	11
<b>Agenda Item 15.</b> No Miscellaneous Business - Such Other Matters As Authorized By Law .....	11

**Agenda Item 1.** [05-AU-105] 3-0, to issue the proposed notice of investigation for the Application for Approval of an Affiliated Interest Agreement Between Wisconsin Energy Corporation; WICOR, Inc.; Wisconsin Electric Power Company; Wisconsin Gas Company; and Other Nonutility Affiliates.

Questions regarding this matter may be directed to docket coordinator Jackie Madsen at (608) 267-3599.

**Agenda Item 2.** [05-EI-129] 3-0, to issue the draft final decision for the Investigation on the Commission's Own Motion Into Recovery of Accounting Deferrals of Wisconsin Electric Utilities Related to the Formation of the American Transmission Company and American Transmission Company Related Operation Costs.

**Agenda Item 3.** [1140-GR-105] 3-0, to issue the proposed notice of proceeding for the Application of City Gas Company for Authority to Increase Natural Gas Rates.

Any person requesting intervention in this docket shall file a request under Wis. Admin. Code § PSC 2.21(e), no later than 10 days from the date of this notice. The request shall be addressed to Administrative Law Judge David C. Whitcomb, Public Service Commission of Wisconsin, P.O. Box 7854, Madison, WI 53707-7854. A person need not become a party in order to testify.

Questions regarding this matter may be directed to docket coordinator Kane Walent at

(608) 266-7006.

Motions for Intervention Due: Friday, November 11, 2002, Noon

Staff Testimony Due: Wednesday, November 6, 2002, Noon

Rebuttal Testimony Due: Tuesday, November 12, 2002, Noon

Hearing Date: Wednesday, November 13, 2002, Noon

Hearing Locations: PSCW, Madison, WI

**Agenda Item 4.** [4220-GP-105] 3-0, The Commission approved Northern States Power Company-Wisconsin's 2002-2005 gas supply plan for the period beginning November 1, 2002, and issued the corresponding draft order approving the gas supply plan.

**Agenda Item 5.** [05-DT-105] 3-0, to issue the proposed notice of investigation In the Matter of the Biennial Review of Depreciation Rates and Ranges for Classes of Capital of Telecommunications Utilities Required by Wis. Stat. § 196.09(9)(a).

The Commission requests comments on the depreciation issues identified in the notice, including the continued use of the 05-DT-104 guidelines (in major part) and the impacts, if any, of the FCC's USOA changes (as well as any potential USOA changes being considered by the Commission in docket 05-US-113) on the depreciation schedules to be set by this Commission. The deadline for filing comments is November 22, 2002.

Questions regarding this matter may be directed to docket coordinator Gary A. Evenson, Assistant Administrator of the Telecommunications

Division at (608) 266-6744.

Comments Due: Friday, November 22, 2002, Noon  
Fax Comments Due: Thursday, November 21, 2002, Noon  
Address Comments To: Lynda L. Dorr, Secretary to the  
Commission, Public Service Commission,  
P.O. Box 7854, Madison, WI 53707-  
7854 / Fax: (608) 266-3957

**Agenda Item 6.** [6720-TI-161] 3-0, to issue the draft order for collocation comments in the Investigation Into Ameritech Wisconsin's Unbundled Network Elements.

Comments Due: Friday, November 1, 2002, Noon  
Fax Comments Due: Thursday, October 31, 2002, Noon  
Address Comments To: Lynda L. Dorr, Secretary to the  
Commission, Public Service Commission,  
P.O. Box 7854, Madison, WI 53707-  
7854 / Fax: (608) 266-3957

**Agenda Item 7.** [05-TI-156] 3-0, The Commission granted the request of the Wisconsin Pay Telephone Association to reopen the proceedings in the subject docket, at least for the limited purposes of soliciting comments from other stakeholders. This involves the Investigation of Whether Telecommunications Utilities in Wisconsin Are in Compliance With the Federal Communications Act, 47 U.S.C. § 151 et seq., and Chapter 196, Wis. Stat., With Respect to Pay Telephone Services Offered in This State.

Bie explained that this item deals with an investigation of whether telecommunications utilities in Wisconsin are in compliance with the Federal Communications Act, and it involves pay telephone service offered in the state. The Wisconsin Pay Telephone Association (WPTA) petitioned the Commission to reopen Docket 05-TI-156. The issue addressed in that docket was whether the Commission should adjust the line rates that Ameritech and Verizon charge pay telephone service providers (PSPs) in Wisconsin. WPTA requested that the Commission apply the Federal Communications Commission's (FCC's) new services test to the Ameritech and Verizon line rates. In 1997, the Commission ruled that it did not have authority to apply the FCC's new services test, and therefore denied the WPTA request for a proceeding to adjust those line rates.

On January 31, 2002, the FCC released an

order in which it commented that the Commission may have misinterpreted its jurisdiction and urged the Commission to reconsider its decision of November 6, 1997. As a result, in light of the FCC order, WPTA is requesting that the Commission reconsider its 1997 decision. Bie said that decision at that time was really a jurisdictional question. She said they thought that maybe they would deal with it through rulemaking, but didn't move forward on any rules and ultimately closed the docket. Bie said they were dealing with Ameritech and Verizon and their pay telephone service, which is deregulated. Bie said the purpose of the FCC order and the service test of the FCC is to look at instances where there may be discrimination taking place within the telephone communications industry. Bie said while there haven't been any changes to Wisconsin's laws, they have had different attorneys reviewing the FCC decisions. Bie added that the WPTA also raised the preemption issue.

Bie said they have had two schools of thought from attorneys within the telecommunications arena. There is some thought that nothing has changed in Wisconsin with the laws and the decision in 1997 was and still is the best way to proceed as there are no conflicts with 196.196, the new service test, or other federal laws. However, she said there is another school of thought by attorneys in the telecommunications division that maybe this is a question that does crossover into some of the areas. Bie said in 1997 they said that they didn't have ratemaking authority so they didn't deal with it. However, she said the FCC has a number of provisions out there and can they re-look at pay telephone rates to make sure they don't have a discriminatory effect. Therefore, Bie said while it doesn't translate into direct ratemaking authority, it gives the Wisconsin Commission some authority to look at the ranges and specifics of it and make some determinations.

She said the issue is how to proceed and do they grant or deny the petition of the WPTA. Bie said there is a bit of confusion that still exists, and therefore, there may be a desire to take a look at this again. She said if that is the case, they should open the case up to everybody who has been interested in this and ask them to put together some comments and send them into the Commission. She said that all those who have



standing in this case can comment and the Commission can then evaluate it from that point and see if they really do have authority and a desire to proceed. Or after receiving comments, the Commission may determine that there is no basis for proceeding.

Mettner agreed with Bie as to the result. He said every time they think this issue is done, it comes back. He said in this instance the Wisconsin Commission is being mildly chased by the FCC for what they determined to be an absence of jurisdiction to address the rates. Mettner said the Commission generally loses their jurisdiction by virtue of price cap regulation but agreed it has been a long time since they have looked at this issue. He said one of the attorneys he talked with said that there's at least a colorable claim under § 196.219, relating to the potentially discriminatory aspect of these rates. As a result, Mettner said he would send it out for comment because it's been a long time since they asked people what they thought this.

Garvin said he was inclined to deny the petition. However, he said for the sake of additional proceedings and the additional papers the WPTA has, he said he would tighten it up. Garvin said he would ask for a response of pleadings on conflict preemption. He said the petition on its face didn't persuade him, however, he said he was open to comments. Garvin said he wouldn't shut the door on this. However, he asked that when the notice comes back that it be specific in what the Commission is asking for, such as how does 219(3)(h) give the Commission limited jurisdiction to enforce an FCC pricing.

Bie said they would open it up, but narrow the issues to focus on what they wanted.

**Agenda Item 8. [6050-TI-102] 3-0, The Commission directed the Telecommunications Division to issue an order which approves a request by Frontier Communications of Wisconsin, Inc., to extend the terms and conditions of its existing alternative regulation plan until the earlier of: (1) the effective date of the new plan, or (2) January 31, 2003.**

**Agenda Item 9. [4120-WR-102] 3-0, to issue the proposed notice of proceeding for the**

Application of the City of New Lisbon, Juneau County, as a Water Public Utility, for Authority to Increase Water Rates.

At present, the only party to this case is the applicant. Anyone else wanting to become a party should file a request pursuant to Wis. Stat. § 227.44(2m) and Wis. Admin. Code § PSC 2.21, no later than 14 days from the date of this notice. A person does not have to be a party in order to testify at the hearing.

Questions regarding this matter may be directed to docket coordinator Vishwa Kashyap at (608) 266-2029.

Telephonic Hearing Date: Monday, November 11, 2002, 9:00 a.m.

Hearing Locations: Tomorrow River Conference Room-1<sup>st</sup> Floor, PSCW, Madison, and City Council Chambers, City Hall, 232 Pleasant St., New Lisbon, WI

**Agenda Item 10. [4225-WR-101] 3-0, to issue the proposed notice of proceeding for the Application of Northfield Sanitary District No. 1, Jackson County, as a Water Public Utility, for Authority to Change Its Method of Cost Recovery of Providing Public Fire Protection Service.**

At present, the only party to this case is the applicant. Anyone else wanting to become a party should file a request pursuant to Wis. Stat. § 227.44(2m) and Wis. Admin. Code § PSC 2.21, no later than 14 days from the date of this notice. A person does not have to be a party in order to testify at the hearing.

Questions regarding this matter may be directed to docket coordinator Bruce Schmidt at (608) 266-5726.

Telephonic Hearing Date: Thursday, December 5, 2002, 10:00 a.m.

Hearing Locations: Tomorrow River Conference Room-1<sup>st</sup> Floor, PSCW, Madison, and Northfield Town Hall, N10752 School House Road, Hixton, WI

**Agenda Item 11. [5360-WR-101] 3-0, to issue the proposed notice of proceeding for the Application of Shawano Lake Sanitary District No. 1, Shawano County, as a Water Public Utility, for Authority to Change Its Method of Cost Recovery of Providing Public Fire Protection Service.**

At present, the only party to this case is the applicant. Anyone else wanting to become a party

should file a request pursuant to Wis. Stat. § 227.44(2m) and Wis. Admin. Code § PSC 2.21, no later than 14 days from the date of this notice. A person does not have to be a party in order to testify at the hearing.

Questions regarding this matter may be directed to docket coordinator Bruce Schmidt at (608) 266-5726.

Telephonic Hearing Date: Wed., December 4, 2002, 10:00 a.m.

Hearing Locations: Tomorrow River Conference Room-1<sup>st</sup>  
Floor, PSCW, Madison, and Commission  
Council Room, Wolf Treatment Plant,  
N4802 River Bend Road, Shawano, WI

**Agenda Item 12.** [EL02-65-010] 3-0, to issue the comments in this docket as amended by their discussion for the Alliance Companies, et. al., Midwest Independent Transmission System Operator, Inc., PJM Interconnection, LLC.

This item is a statement of the Wisconsin Commission in support of comments of Michigan-Wisconsin parties on the hold harmless conditions expressed in the Michigan-Wisconsin comments. In September, the Midwest ISO and PJM Interconnection filed a preliminary implementation plan and progress report.

Mettner said in the red line version that was recently circulated in paragraph 2 in the last line, he wanted to modify it to read, "... meaning of a hold harmless requirement." The other change he had was that when the term loop flow was used, it should be modified to "loop and parallel flows."

Bie and Garvin agreed.

**Agenda Item 13.** [6720-TI-170] 3-0, The Commissioners agreed to adopt a suggested minute indicating that staff and the ALJ propose a draft order on the Phase One issues consistent with the first two bullet points of Option 4 on page 10 of the staff memo with the addendum being a January 15, 2003, date for receipt of the order. This involves the Petition of Wisconsin Bell, Inc., for a Section 271 Checklist Proceeding.

This item deals with a staff report. It was prepared with the assistance of John Kern, who was the consultant that the Commission hired to get involved in the 271 checklist proceeding. His involvement and preparation of this report was pursuant to the Commission's July order. Bie said

there were a couple other orders by the Commission at that time as well. Those included that there be a report filed no later than October 1, 2002, and that is the report they were looking at today. In addition, the report was to consist of an issues matrix, which is found in attachment E. Bie said the parties developed this, and it was the outcome of collaborative meetings, which were another directive issued in July. Bie said the collaborative meetings started in July and ran quite extensively through August. Another directive of the Commission in July was that there be a staff statement and analysis of relevant options for the proceedings.

Bie said as they look at this documentation that is before the Commission, there are some disputed issues, but some of those disputed issues are discussed in proceedings that have come before the Commission at other times with other docket numbers. She said there's no way to cleanly separate these issues, as many of them overlap in some form in other proceedings. During the collaboratives, the parties also raised issues that have been previously arbitrated, such as custom routing and collocation. In addition, Bie said there are other related issues that were going on in dockets that were previously before or are now active before the Commission, such as OSS-related issues.

Bie said they have four options as they looked at the staff report. Option 1 is that the Commission briefly decide all the legal issues first and then address the factual issues. Bie said her concern with this option is that this adds volumes to the record and the parties have to a great extent addressed these issues in their previous filings.

Option 2 is to develop a process to resolve the disputed factual issues and then brief both the factual and the legal issues at the same time. Bie said the issue that she had with this is that it duplicates what has been done, it's time-consuming, and it's very resource intense. She said, however, her biggest concern with something like an evidentiary hearing is the fact that the Commission had already decided not to handle this docket in a contested case, and she felt that this option may take the Commission down that path. Bie said you could have a legislative-type hearing, but she said felt they would be getting into issues that have already been dealt with or briefed

by the parties.

Option 3 was a combination of Option 1 and 2. Bie said under this option they would be adding more complexity to a case that is already substantially complex. Again, she said the Commission decided not to handle it in a contested way.

Bie said this took her to Option 4. She said that to date, this has gone quite well under orders of the Commission. She said John Kerns has assisted, the report was filed on time, there is an issues matrix, there have been collaborative meetings, and they have a staff statement and analysis of the relevant options. Option 4 involves staff preparing a draft findings of fact and/or the ALJ preparing a proposed order. Bie said she was comfortable with Option 4 based on all that has been done to date and the scope of information that is before them. Bie said she would like to see staff prepare under the supervision of the ALJ a proposed order on the Phase 1 issues and have it circulated to the parties. Bie said the Commission would then review the draft order along with any comments or issues and make a final determination. Bie said this further develops the record where needed, and it may resolve some of the disputed issues as it moves forward. Bie said Option 4 gets them moving toward decision items. She said there is an appropriate avenue that the Commission has taken for dynamics of this kind in the past and that was arbitration. She said in those cases, the Commission has been successful in working in this kind of environment with this kind of a process, working with a proposed staff order that comes before the Commission, while retaining the authority to make changes or reviews that they find necessary. Ultimately, Bie said the Commissioners do review the record and resolve in a timely fashion the disputed issues. Bie said she supported proceeding Option 4.

Mettner said the entire point of the exercise of bifurcating the 271 application into Phase 1 and Phase 2 was to create a funnel that would narrow the issues that were disputed for the Commission's ultimate decision. He said the collaboratives, which took place in August, were probably productive to a point in accomplishing that. However, they were also unproductive to a point that parties really brought to the collaboratives positions that they really weren't going to move on.

The result is that the collaboratives weren't as productive in being the discussion that would produce some sort of consensual resolution of some of the mildly or not at all stipulated items. Mettner said there are five separate items on what would be included among the 271 checklist. Mettner said there wasn't much or any discussion on dialing parity and number portability. Mettner said a proposed order, meaning that it has circulation rights among the parties under 227, is probably a good route to go to close the loop on undisputed issues of fact and undisputed issues of law.

Mettner said it is time to shut the door on some of these things as the time for people to raise their misgivings or disputes was in the collaboratives on the so-called Phase One issues, which involved the pure non-OSS and non-UNE issues. He said as the parties indicated in their comments on the procedural aspects, which is one of the appendices of the staff report, a lot of UNE and OSS issues still ended up bleeding into Phase 1. He said it was impossible to strictly divorce all of them from the discussion. Mettner said he would favor a draft order that would close the door on undisputed issues of fact and law. He said, however, that the parties and certainly the CLECs have reserved their right to disagree that there are no contentions about what he would call the unaddressed issues in the collaborative. He said one of the things that the proposed order should not do is to attempt to make findings of fact where there are disputed issues of fact.

Mettner said the idea of briefing conclusions of law can be addressed after the draft order is issued. He said if somebody really has a strong misgiving about a conclusion drawn in that order, they could be heard, and he didn't have a problem with that. He said that he felt that the parties knew where they stood on the law. Mettner said one other issue that they were required to do but that they could probably wait with until they looked at the draft order is to direct, like Illinois and Michigan, the auditor to develop an interim report on the status of the OSS testing. Mettner said he didn't think they should run down the road on this one right away. He said the performance matrix side of this test will probably be disputed. However, he said the commercial volume testing (CVT) may well be completed by the end of

December. Therefore, Mettner said they could have the auditor develop a report that would be due to the Commission in January.

As Bie indicated, Mettner said there is a lot of dispute about how the new PSC 2 rules govern this proceeding. He said they can deal with this as a trial-type hearing if one is to be held. Mettner said that he ultimately believes that a hearing is necessary in this case to deal with the contested issues of fact and disputed issues of fact. He said that is probably viable at some point in the first part of next year. Mettner said he didn't know if they would get to closure on all contested aspects of the OSS test. Mettner said having KPMG do a draft report is something that both the Illinois and Michigan Commissions have decided was a good way to decide how much progress has been made on the OSS sufficiency set of issues. In the meantime, Mettner said they have also indicated that with the order that is issued that they are going to be heading down the road toward the compliance aspect of UNE. By the close of year or certainly in January of 2003, many of the issues that are outstanding right now, will have been closed.

Mettner said at some point you have to get everybody in a room, have a hearing, allow them to put up their evidence, have cross-examination and get to a decision one way or the other. Mettner said the draft order process with circulation to the parties for comment and an interim report by KPMG sometime in January would be one way to try to bring some of these issues to closure, or at least take the next steps toward that.

Bie said she didn't address the report at all, and she agreed that the report is important, and it would be a good process to get KPMG started on. Bie said she would like to see the report by the end of the year.

Mettner said the only reason he mildly disfavored the end of the year is that a lot of the conclusions of the commercial volume testing (the CVT stages) is going to be done by the third week of December. An end-of-year deadline would require them to probably work between the holidays, and he felt that was unlikely if not an unrealistic assessment. Therefore, Mettner said he would look at January 15, 2003 or perhaps even January 31, 2003 to give them the extra time

to compile, review the data they've completed, and be able to include it in the report. Mettner said he didn't want it to be incomplete for reasons of timing alone.

Bie said she would push them as hard as she could. She said she could go with January 15<sup>th</sup>, but voiced concerns that they were closing in on the spring on the year.

Garvin said for their discussion today they were just talking about the 271 checklist and 170. He said Bie and Mettner were talking about 160 and 161, which weren't noticed, so he didn't know if they could make a decision procedurally on that today. Garvin said for the sake of today's discussion, he would talk about it. He said in terms of 170, he confirmed that in terms of the Phase 1 draft order, Mettner said he was supportive but only for uncontested issues, and he felt that was different than what Bie was saying.

Mettner said page 7 of Jordan Hemaider's brief envisioned Phase 1 as being a funnel that would narrow things to stipulated issues of fact. He said it seems that they are unlikely to get to that except if you interpret people's silence during the collaboratives as the fact that they don't have issues with the five separate checklist items. He said there are a couple of other areas where they produced a matrix that may or may not have raised disputed or undisputed issues of facts or conclusions of law. Mettner said he would imagine that any conclusions of law drawn in the draft order are going to raise the ire of one or another party and the disagreement about it. He said those parties can then address it in the comments that the Commission would interpret before the Commission would finalize any order to be issued by the ALJ. Mettner said he was saying it is time to close the door on things that aren't really being batted around or weren't discussed during the collaborative. He said there were a lot of affidavits exchanged in the Phase 1 proceeding. Therefore, he was cautioning staff and the ALJ that where there are contested issues of fact, they should resist the temptation to make findings on those issues because he felt those were the type of things that ultimately have to go to a hearing. Mettner clarified that he meant one hearing – not a Phase 1 hearing and then a Phase 2 hearing.

Garvin said he supported Option 4 because it provides the clarity for both the applicants and

the CLECs, but he said they needed to be clear that the first prong of this is that staff or the Commission may choose to direct staff to draft findings on the Phase 1 issues for supporting rationale based on the current record along with any additional information staff requests from the parties, including legal argument and/or factual statements. He said with the second prong, which he would change from alternatively to thereafter, staff could then prepare at the direction of Commission, under the supervision of ALJ, a proposed order. Then, he said what Bie and Mettner mentioned as the third prong would be that it has to be done by January 15. He said that he knew they were talking OSS, but he was talking that for just 170. Garvin said he felt that achieves the goals of Option 1 because staff can frontload this with the legal arguments, get additional facts, and then prepare a proposed order. He said he would caution about a hearing because this type of proceeding is another matter under PSC 2 because it's an investigation into whether Ameritech is in compliance with 271, as opposed to a proceeding where the Commission does an administrative adjudication with a 227 order resulting. Garvin said that is why he wanted to be consistent throughout this process.

Garvin said by selecting Option 4, they were saying, we're giving considerable departure from the way we do things because we're giving staff considerable control over this process over the next two months to both solicit legal argument expeditiously, decide factual disputes, and then have a proposed order that is a mechanism for resolving these Phase 1 issues where the Commissioners will have the ultimate discretion that if there isn't a factual basis or if the Commissioners aren't persuaded that there's sufficient facts, they can order additional proceedings. Garvin said he didn't propose an order that was just on the uncontested issues. He said this is a big decision, and he was prepared to do it knowing that you will have Nick, Dave, along with Dave Whitcomb making decisions on contested matters that arose in the collaborative for the Commissioners' consideration. Garvin said there would then be comments after the January period, at which point the Commissioners can decide. He said he got a sense from the comments that some of the CLECs want legal

arguments, and he said that was fine. He said he would like to see staff work with them on soliciting their arguments beforehand so that the Commission can achieve the goals of Option 1. However, Garvin said he wanted to be very clear for staff and the participants in this proceeding of what the Commission was doing.

Bie said that is how they approach arbitrations. She said the final decisions are really articulated within the order, but the Commissioners have final say.

Garvin said the only caveat he would add is that if circumstances change, the January 15th date may be pushed back for the 170 purposes. However, he said for predictability and consistency, they have to lay out a road map the best they can in this proceeding. In terms of 160 and 161, he said he agreed on the need for an interim report, and he agreed on the same timeframe. On UNE pricing, he said they would be deciding that after they have their scheduled meeting. He said they have talked to staff, and there is an agreement that they will decide that in December. Garvin said they were sort of setting the road map so that everybody knows where the Commission is going on this. Garvin said that is where he saw the Commission today on 170. On OSS, he agreed on the interim report, which ultimately will be folded into the 170 matter, and then on the UNE compliance issue, he said they would decide that in December. Garvin said he didn't feel that there was agreement among the Commissioners on Option 4 as it is written.

Mettner said he didn't agree with Option 4 as it is written. He said Bie mentioned twice the issue that this is the way they did arbitrations. Mettner said Section 250 of the federal act governs arbitrations, and 271 proceedings are not. He said he realized that Bie's argument was by analogy. However, Mettner said the reason he was resistant to elements of the analogy applying to 271 proceeding are: (1) because the statutory framework is different and (2) because that statutory framework really limits the Commission's ability to reach into the arbitration decision, except for isolated exceptional reasons listed in 252. So, he rejected the strictures of arbitration even though he realized that Bie was arguing by analogy.

Mettner said one of the things he was very gray about was the first bullet point in Option 4 to

direct staff to draft findings. He said the current record would be stale affidavits along with any "additional information" staff requests from the parties, including legal arguments and/or factual statements. Mettner said if they were going to do that then they probably ought to direct the parties in advance of the proposed order to brief the legal issues and submit draft findings of fact and draft conclusions of law. He said that is the way he would do it if he were a hearing examiner. He said he didn't know what "additional information" means. Mettner said one of the problems that he would have if he were somebody who's critical of the application is no opportunity to cross-examine the witnesses and no opportunity to do material discovery or discern the source of the information that's submitted in an affidavit. He said those are some significant due process problems. Mettner said he certainly didn't anticipate Phase 2 of this case to go this way. He said at some point you have to get into a hearing room to allow parties to examine witnesses and explore their standards about why they feel this or that checklist item is sufficiently complied with.

Mettner said the reason he pointed to the uncontested issues is that there was a lot of silence during the collaborative, and he felt they could shut the door on certain issues where that silence was evident. He said where there are contested issues of fact, the parties are entitled to a hearing. He said he didn't want to tip this into a Class I contested case, and they didn't have to. Under PSC 2, they can have a trial-type evidentiary hearing without making the matter into a Class I contested case. Mettner said he just didn't know how this "additional information" aspect of this is supposed to work and in the absence of it being formalized so that the parties know what their rights for submissions are, he didn't propose Option 4 in its purest form.

Bie said that she didn't agree that the current record is probably stale. She said there were collaboratives and meetings going on until just 30 days ago, and she was comfortable proceeding this way.

Garvin said he felt the issues that Mettner talked about with an evidentiary-type hearing or trial-type hearing could be done if they wanted to after they had an order. He said in the interest of the next ten or eleven weeks, the Commission was

going to clearly delegate to the staff to do a lot of the leg work associated with this. He said they are saying that staff can go ahead and solicit legal arguments. He said Dave Whitcomb, because it's under his supervision, can set out a briefing schedule to address or identify the legal arguments. He said by giving that general direction of "any additional information" is broad language and he was comfortable with that. He said there needs to be some pressure to move forward on this from the parties after the collaborative. He said the parties would then lobby staff for the next ten weeks on this. Garvin said they were knowingly pushing it downstairs, and then they would have a clear work product in January to say for example, this party thinks that the three or four legal issues weren't adequately addressed and here's the process they've outlined. He said maybe the parties will say the Commission needs additional affidavits plus additional hearings. He said the reason he was comfortable with it is that ultimately the proposed order comes back to the Commissioners.

Mettner threw out a couple of questions. He said if there is a contested factual issue, through the collaboratives in August, and you're an attorney for a CLEC, an intervenor group, or some other such party in this proceeding, how is it that you've had your due process rights? He said the Commission wanted to use the collaboratives as a funnel to narrow things that weren't contested to those that are contested. Mettner said if Staff goes about in some format of soliciting information from people, is there going to be a purely transparent way where everybody gets to see every new piece of information that comes in to allow them to say I agree or disagree with that? Mettner said that is why he wanted to isolate the contested issues of fact for a later hearing. He said he didn't know how else they could do a findings of fact and conclusions of law. Mettner said they have twice rejected the issue of doing trial by affidavit in this case. He said he didn't understand how this is supposed to work and where the transparency and the due process rights of the other parties are going to be recognized. He said he realized that people could have the cold comfort of being able to lobby staff as opposed to the Commissioners on issues relating to 271, but he said they were basically reinstituting

trial by affidavit and allowing the staff to make a finding of fact based on the current record, stale or not.

In addition, Mettner said once they do make findings under any theory of administrative law, they will have surrendered a certain amount of discretion over whether the Commissioners can pull back from that finding and re-institute another one as they go into Phase 2 proceedings. Mettner said in his view, the issue here is to shut the door on things that there seems to be some clarity about through the collaboratives. He said he didn't like this roving "additional information" request because he said if he were representing a party in this case, he didn't know how he would manage it on behalf of his client. Mettner said if he knew that there was a contested issue of fact dealing with Phase 1, he would want to cross-examine the witness over it. For that reason, Prong 1 of Option 4 troubled him because it was too open-ended and didn't provide much clarity for the parties.

Garvin said due process to him meant an opportunity to be heard. He said Mettner kept funneling the Commission into that there has to be a hearing as a necessary predicate to making a factual finding during this process, and he didn't agree with that. Garvin said they can make findings in the absence of a hearing if the staff feels that there's sufficient facts that they've developed through data request discovery or whatever process they work out in the next ten weeks. Garvin said he wasn't ruling out that once they get a proposed order they might not need additional hearings. He said he was still being consistent with past decisions but he said this is not a garden variety 227 matter where the substantial rights of people affected automatically triggers an evidentiary hearing. Garvin said a hearing in January or February is not being precluded today. He said if the parties feel there is insufficient evidence on a specific issue, they can assert that either by making a request or indicating to staff why there isn't sufficient basis to make that finding.

Mettner asked what Garvin imagined the record will like when they have to decide whether they believe the proposed order correctly finds a particular fact. He said is there going to be one place to go for affidavits, and will that folder also include the additional information that staff

requests from the parties? Mettner said if they were going to follow Prong 1 of Option 4, he felt that there needed to be a formalized way of telling people how it's going to work. Mettner said even though he disagreed with Prong 1 of Option 4, he felt that people ought to know how its going to go forward. He asked is the Commission just giving staff an open letter to rove and find and make additional information requests as they will? He said something ought to be formalized in the way of direction as to what the parties' role is going to be.

Garvin said they were delegating the responsibility to staff to come up with that process. Garvin said he wanted them to work it out. He said Mettner felt the approach was too open-ended, so he didn't know what they could do to make Mettner feel comfortable with it other than staff will be working on an agenda on how they plan to proceed in the next 10 weeks.

Bie said when you look at the volumes of the current record, much of the information that they may be looking to process is there but it may not be organized in some form or fashion that may be easily accessible. She said it may be a matter of reorganizing this record and asking people to point out where the legal arguments are or where the additional information is. She said she couldn't put any more certainty on what it was going to look like at this point.

Mettner said it was the open-ended aspect that bothered him. Therefore, he said some formalized mechanism about how they're going to proceed was at the very least something the parties are entitled to in the case. He said at this point he had made his case and voiced his concerns.

Mettner said the aspect of an interim KPMG study is something to be raised in notice for another day. Mettner said all he was trying to do is to tell the world how they were going to spend the next three months on this case as they moved through Phase 1 and into Phase 2.

Garvin said on the interim report they can put it on the next agenda and simply ratify the discussion they had today. He said the UNE issue will be discussed when they decide to put it on the schedule.

Overall, the Commissioners agreed to adopt a suggested minute indicating that staff and

the ALJ propose a draft order on the Phase 1 issues consistent with the first two bullet points of Option 4 on page 10 of the staff memo with the addendum being a January 15th date for receipt of the order.

**Agenda Item 14. [05-CE-128] No**

Additional Information on the Application of the Rainy River Energy Corporation-Wisconsin for a Certificate of Public Convenience and Necessity to Construct and Place in Operation a Large Natural Gas-Fired Electric Power Generating Facility and Associated High Voltage Transmission Line and Natural Gas Pipeline Interconnection Facilities to be Located in the City of Superior, Douglas County (LAYOVER from 10/17/02).

**Agenda Item 15. No Miscellaneous**

Business - Such Other Matters As Authorized By Law

**The next open meeting is scheduled for  
Tuesday, October 29, 2002 at 10:00 a.m.**

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# Issue Matrix - § 271 Checklist

## Docket 6720-TI-170

Item	Checklist Requirement <sup>1</sup>	Position Regarding Compliance	Nature of Dispute <sup>2</sup>
A	<p><b>Track A Compliance</b> - a BOC must first demonstrate that it satisfies the requirements of either section 271(c)(1)(A) (Track A) or 271(c)(1)(B) (Track B). To qualify for Track A, a BOC must have interconnection agreements with one or more competing providers of "telephone exchange service . . . to residential and business subscribers." The Act states that "such telephone service may be offered . . . either exclusively over [the competitor's] own telephone exchange service facilities or predominantly over [the competitor's] own telephone exchange facilities in combination with the resale of the telecommunications services of another carrier." The Commission concluded in the Ameritech Michigan Order that section 271(c)(1)(A) is satisfied if one or more competing providers collectively serve residential and business subscribers.</p>	<p><b>AIT:</b> Competition is established and growing in Wisconsin. During the year 2001, CLECs' facilities-based E911 listings increased by 70 percent, and unbundled loops more than doubled. See Heritage Aff. ¶ 7 &amp; Attach. D. CLECs' existing collocation arrangements allow them to serve more than 84 percent of the business lines and 87 percent of the residential lines in Ameritech Wisconsin's service area. Id. ¶¶ 6, 31-32 &amp; Table 5. The CLECs' installed switches have sufficient capacity to serve 100 percent of the customers in Ameritech Wisconsin's serving area. Id. ¶¶ 6, 27 &amp; Table 4. Moreover, although most CLECs in Wisconsin, like elsewhere, concentrate on major metropolitan areas, local competition is arriving in rural areas as well. CLECs are currently serving customers in Beaver Dam (population 15,169), Little Chute (population 10,476), and Stevens Point (population 24,551). Ameritech Wisconsin has lost an estimated 15.1 to 17.3 percent of its total lines to unaffiliated carriers. Heritage Aff. ¶ 5 &amp; Table 2. As of December 2001, between 284,091 and 351,009 of these lines were served by competitors over their own facilities.</p> <p><b>AIT:</b> CLECs had captured approximately 372,282 business lines, and 72,658 residential lines, in Ameritech Wisconsin's service area as of December 31, 2001. See id. Clearly, CLECs are providing Wisconsin consumers "an actual commercial alternative." See id. ¶ 8 &amp; Attach. E (articles and advertisements showing CLEC solicitation of customers in Wisconsin). Updated competitive numbers through May 2002, indicate that CLECs are serving over 512,000 customer lines in Wisconsin, 133,500 residential lines and 378,700 business lines, which demonstrates that more than a de minimis number of residential and business customer lines are being served by unaffiliated competitors in Wisconsin. The Track A requirements of Section 271(c)(1)(A) have been met in Wisconsin.</p> <p><b>Norlight</b> disagrees with Ameritech's contention that competition is established and growing in Wisconsin and that Ameritech now qualifies for Track A consideration. As detailed in Norlight's comments submitted in this proceeding on July 2, 2002, the past few years have shown a significant decline in the number of active and competitive CLECs in Wisconsin and across the country. This fact, in and of itself, is enough to render Ameritech's Track A application premature. Moreover, Ameritech cannot reasonably argue that the struggles that have plagued and undermined the CLEC community exist through no fault of its own. Since the inception of the federal Telecommunications Act of 1996, CLECs have effectively never had access to the full measure of pro-competitive options that Congress envisioned. Instead, Ameritech and other ILECs have, from the start, offered CLECs only a tacit, fractured, and restricted menu of these options, paralyzing competitive markets through perpetual litigation and other tactics that have tested the boundaries of good faith. If Ameritech has opened the door to competition in Wisconsin, at best, it has only opened it a crack with the weight of a century-old monopolist's foot wedged solidly behind it. Ameritech's application for section 271 authority is premature.</p> <p><b>CLECs:</b><sup>3</sup> Competition is not thriving in Wisconsin. SBC/Ameritech's marketing practices within its monopolistic service territory continue to contribute to the slow pace of the growth of</p>	Factual and Legal

<sup>1</sup> From Appendix C, FCC 02-189 NJ 271 Order

<sup>2</sup> (Not in Dispute, Factual, Legal, OSS, UNE Cost)

Item	Checklist Requirement <sup>1</sup>	Position Regarding Compliance	Nature of Dispute <sup>2</sup>
		<p>facilities-based competition in Wisconsin. (See Initial Comments to SBC/Ameritech's Draft Section 271 Application, filed on behalf of McLeodUSA, NTD, and TDS, on July 2, 2002 ("CLEC Initial Comments"), at 9-16; TWTC's Initial Comments, at 3; Sherwood Testimony, at 1-20).</p> <p><b>CLECs:</b> The fact that the CLECs may be offering and advertising services does not demonstrate that competition exists.</p> <p><b>WCOM:</b> The most recent market data from the FCC shows that, six years after passage of the 1996 Act, competitive LECs serve only 9% of local telephone lines in Wisconsin. (WorldCom Initial Comments at 7-8, citing the FCC's February 2002 Local Telephone Competition Report). And while in the past, local lines lost to competitors in Wisconsin slightly exceeded the national average, such is not the case now. According to the FCC, about half of the lines served by CLECs are resold lines, a strategy that most CLECs are abandoning. Thus, the best available evidence indicates that competitive providers in Wisconsin have been able to build their own facilities or use UNEs to serve only approximately 9% of the state's lines. (WorldCom Initial Comments at 8). (Factual)</p> <p><b>AT&amp;T:</b> Contrary to the claims of Ms. Heritage, facilities-based competition exists only in a very limited form in Wisconsin and at such a nascent level that it cannot provide a "check" on the anticompetitive tendencies of the local exchange monopoly, Ameritech Wisconsin. Mr. Turner's analysis shows that the competition that exists in Wisconsin is highly concentrated on a very limited set of customers – ISPs. After adjusting for that fact, only about 5.2 percent of local traffic in Ameritech's serving territory is being served by CLECs. Id., ¶¶ 11 – 16. The indicators Ameritech has presented through the affidavit of Ms. Heritage produce flawed and misleading estimates of the level of actual competition. Additionally, many of the CLECs that Ameritech relies upon for facilities-based competition are either struggling or leaving the market. Id., ¶¶ 33 – 40. Consequently, this Commission should be extremely concerned that sustainable competition has not yet been established in Ameritech Wisconsin's territory. Id., ¶¶ 21 – 28.</p> <p><b>CUB:</b><sup>4</sup> Competition is not thriving in Wisconsin. Competitors serve only 5% of access lines serving the state's residential and small business customers in Ameritech Wisconsin's service territory and the percent of lines switching to competitors in Wisconsin in 2001 was a paltry 5.2%, while the percentages of lines switching to competitors in the year prior to BOC-entry in New York and Texas were 8% and 10.1%, respectively. Moreover, in New York, competitors quadrupled the number of residential lines in the year prior to BOC entry, while there was virtually no increase in Wisconsin residential switching in the first six months of 2001. (Cooper Aff. ¶¶ 8, 29, 33, 34.)</p>	

<sup>3</sup> The CLECs on behalf of whom this matrix is submitted are McLeodUSA Telecommunications Services, Inc. ("McLeodUSA"), Northern Telephone & Data ("NTD"), TDS Metrocom, Inc. ("TDS"), and Time Warner Telecom of Wisconsin, L.P. ("TWTC"). The CLECs' focus on certain checklist items in no way should be construed to suggest or imply that SBC/Ameritech meets the other checklist items. The comments, affidavits, and matrices filed by other interested parties clearly refute any such claim.

<sup>4</sup> CUB's silence on whether Ameritech Wisconsin has complied with any item of the 14-point checklist should not be construed as acceptance by CUB that Ameritech Wisconsin has complied with that item. The affidavits and comments filed by other parties to this investigation demonstrate that the company has not complied with a significant number of the items on the 14-point checklist.

Item	Checklist Requirement <sup>1</sup>	Position Regarding Compliance	Nature of Dispute <sup>2</sup>
		<p><b>AIT's Response to Norlight:</b> Ameritech Wisconsin's 271 application is not premature. The Track A requirements of the Federal Act have more than been met in Wisconsin. (Heritage Reply Affidavit, ¶9, Table 1.) Over 528,000 residential and business lines are served by CLECs, as of June 2002, which represents 34% of the business market and over 10% of the local residential market in Ameritech Wisconsin's serving area. (Heritage Reply Affidavit, ¶11 and Table 3.) Furthermore, competition has increased a significant 37% since June 2001 and CLEC-served lines now represent 20.8% of the total local market in Ameritech Wisconsin's serving area. (Heritage Reply Aff., ¶9, Table 1.) A decline in the number of CLECs in a state is not sufficient to deny compliance with Track A or the public interest requirement. As noted in the Heritage Reply Affidavit (¶¶ 6, 7, 9 and 47) the Federal Act does not require a stable number of CLECs (Section 271(c)(1)(A) only requires "one or more unaffiliated competitors") nor does the FCC. In fact, the FCC has specifically declined to consider factors beyond the control of the BOCs in determining compliance with Track A and the public interest showing. Also, many experts in the industry consider the consolidations and bankruptcies that are occurring in the CLEC sector as only natural. The end result being fewer, but stronger competitors. (Heritage Reply Affidavit, ¶¶45, 46 and 50.)</p> <p><b>AIT's Response to CLECs:</b> Competition is thriving in Wisconsin. CLECs have been successful in acquiring 34% of the business market and over 10% of the residential market in Ameritech Wisconsin's serving area. (Heritage Reply Aff., Table 3, ¶9.) Likewise the pace of growth in CLEC-served lines in Wisconsin is significant as indicated by an annual increase of 37% since June 2001. (Heritage Reply Aff., Table 5, ¶9.) Moreover, since June 2000, CLECs have steadily increased the number of lines they serve in Wisconsin while Ameritech Wisconsin has shown a constant and growing net loss in the total switched lines it serves. (Heritage Reply Aff., Chart 1, ¶10.) The fact that CLECs are offering and advertising services in Wisconsin is an indication that competition exists. The 21% market share that they have obtained through June 2002 clearly demonstrates that the local market is open to competitors and they have been successful in obtaining a significant percentage of local lines. (Heritage Reply Aff., Table 1 and Table 3.)</p> <p><b>AIT's Response to WorldCom:</b> The most recent FCC Report on Local Competition, released July 2002 for year end 2001 data, shows CLECs in Wisconsin with 11% market share. (Heritage Reply Aff., ¶20.) Contrary to WorldCom's claims, the latest report (albeit still 6 months old) shows that Wisconsin is above the national average of 10% CLEC market share. Nonetheless, the FCC Reports dilutes the actual level of competition in the Ameritech Wisconsin serving area because it uses total state switched access lines to calculate CLEC market share. Furthermore, the results are at best 6 months old when the reports are released. As such, the FCC Reports on Local Competition are not timely, understate the true level of local competition and should not be used to evaluate market entry in Wisconsin. (Heritage Reply Aff., ¶ 21.) As additional evidence of the amount of local competition in Wisconsin, the percentage of CLEC penetration in the Ameritech Wisconsin local serving area, at its current level, exceeds every single one of the 14 applications that the FCC has approved thus far, including the more populated states of New York and Texas. (Heritage Reply Aff., ¶12 and Table 2.) Wisconsin also stands out in stark contrast to the FCC's findings in its Report on Local Competition, according to WorldCom's statement above, that "about half of the lines served by CLECs are resold lines." Wisconsin has strong facilities-based competition as evidenced by the fact that over 85% of the CLEC-served lines were facilities-based as of June 2002. (Less that 15% were provided via resold lines. Heritage Reply Aff., footnote 2 and Table 1.)</p> <p><b>AIT's Response to AT&amp;T:</b> Ameritech Wisconsin's competitive analysis is reasonable and conservative, contrary to AT&amp;T's (Mr. Turner) claims. Ameritech Wisconsin's methodologies</p>	

Item	Checklist Requirement <sup>1</sup>	Position Regarding Compliance	Nature of Dispute <sup>2</sup>
		<p>are the same as those used in other SBC 271 Applications which have been approved by the FCC. Furthermore, the Ameritech Wisconsin analysis is based on access lines since local service is provided via lines. (Heritage Reply Aff., ¶ 14.) AT&amp;T's analysis, using minutes of use, ignores the over 528,000 lines served by CLECs in Ameritech Wisconsin's serving area as indicated by their entries in the E911 data and the lines they obtain from Ameritech via UNE-P and resold service. (Heritage Reply Aff. ¶38.) The hundreds of thousands of E911 entries alone for business and residential end users clearly indicates more than a limited set of customers, contrary to Mr. Turner's claims. Also, Mr. Turner incorrectly assumed in his calculations that the Ameritech Wisconsin Track A Affidavit included ISP minutes, when in fact, these had been excluded. Therefore, Mr. Turner's attempt to estimate the amount of ISP traffic included in the MOUs exchanged between CLECs and Ameritech Wisconsin (and the subsequent exclusion of these estimated minutes from his local competition estimate) is totally meaningless. (Heritage Reply Aff., ¶38.) Many telecommunications carriers have been affected by the current downturn in the economy and investors' retreat from the telecommunications sector, including SBC. (Heritage Reply Aff., ¶48.) While no one can predict the future with certainty, Wisconsin has many strong competitors that are very positive about their company's viability. (Heritage Reply Aff., ¶¶41-43 and 51.) Several of these companies rely heavily on their own facilities to provide service which is one reason that over 85% of CLEC-served lines in Ameritech Wisconsin's serving area are facilities-based. (Resold lines through June 2002 represented less than 15% of total lines served. Heritage Reply Aff., footnote 2, Table 1.) More importantly, the FCC is well aware of what is going on in the industry today and has made it clear that the Section 271 process is not the time or place to debate the viability of each and every CLEC. (Heritage Reply Aff., ¶ 40.)</p>	
		<p><b>AIT's Response to CUB:</b> Ameritech Wisconsin disagrees with CUB (Dr. Cooper) that CLECs serve only 5% of the access lines in Ameritech Wisconsin's serving area and that the growth in CLEC-served lines was only 5.2%. See <b>AIT Response to CLECs</b> above. The CUB data was incorrect and even if it had been the correct number, the source was an outdated (over a year old) FCC report that, by the nature of how the report is calculated, understates the actual level of competition in Ameritech Wisconsin's serving area. The use of the FCC's Local Competition Report, as CUB suggests, to assess competitive entry in Ameritech Wisconsin's serving area, provides an inaccurate picture of the true level of competition. At best the data is six months old at the time the report is published and the report does not include all competitive lines served because CLECs with less than 10,000 customer lines are not required to report. Moreover, the CLEC market share is calculated using total state switched access lines and since most of the competitive lines are likely in Ameritech Wisconsin's serving area, this understates the actual market share that CLECs have obtained in Ameritech Wisconsin's area. (Heritage Reply Aff., ¶¶20-21.) Additionally, the comparison that Dr. Cooper made with New York is inappropriate in that it essentially requires a market share test. Furthermore, for any comparison made to another state to be meaningful at all, it should be with a similar state (for example, population) and the comparison of the competitive activity should be at the time the other state filed its 271 application. (Heritage Reply Aff., ¶¶16-18.) Nonetheless, contrary to CUB's claims, the percentage of CLEC penetration in the Ameritech Wisconsin local serving area, at its current level, exceeds each of the 14 state 271 applications approved by the FCC. (Heritage Reply Aff., ¶ 12, Table 2.) Despite CUB's comments regarding growth in residential CLEC-served lines in Wisconsin, there has been a significant increase in residential lines served by CLECs. In the first six months of 2002, the number of residential lines served by CLECs more than doubled. CLECs served over 147,000 residential lines as of June 2002. Almost 30% of the lines served by CLECs in Ameritech Wisconsin's serving area are for residential customers. (Heritage Reply Aff., Table 1 and ¶ 19.)</p>	

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		<p><b>AIT Response to CUB:</b> Issues have been raised regarding the integrity and accuracy of performance measurements and performance remedies because of the Observations and Exceptions issued by KPMG during its Third Party Test of Ameritech Wisconsin's existing OSS systems. Accuracy and integrity of the results reported by Ameritech Wisconsin is a Phase II issue that will be addressed after KPMG issues its report and Ameritech Wisconsin's performance data is placed into the record for comment by all parties. Enr Reply Aff. ¶ 47.</p> <p><b>CLECs:</b> As summarized below, SBC/Ameritech does not presently comply with all the 14-Point Checklist Requirements in Section 271(c)(1)(B).</p> <p><b>CUB:</b><sup>6</sup> Ameritech Wisconsin cannot demonstrate compliance with the 14-point checklist. The KPMG review of Ameritech Wisconsin's OSS has demonstrated hundreds of exceptions and observations. (Cooper Aff. ¶ 43.) The company's litigation against this Commission's OSS and UNE-P orders, combined with the uncertainties surrounding Ameritech Wisconsin's compliance filing in the UNE-P docket, preclude this Commission from finding that the company has complied with the 14-point checklist. (Cooper Aff. ¶¶ 43, 47-50, CUB comments at 4.)</p>	Factual and Legal
<b>B</b>	<b>14-Point Competitive Checklist – SBC/Ameritech must demonstrate that its access or interconnection arrangements presently meet all of the 14-Point Checklist items. (47 U.S.C. § 271(c)(2)(B)).</b>		
<b>1.a.</b>	<b>(I) Interconnections - Section 271(c)(2)(B)(i) of the Act requires a section 271 applicant to provide "[i]nterconnection in accordance with the requirements of sections 251(c)(2) and 252(d)(1)."</b> Section 251(c)(2) imposes a duty on incumbent LECs "to provide, for the facilities and equipment of any requesting telecommunications carrier, interconnection with the local exchange carrier's network . . . for the transmission and routing of telephone exchange service and exchange access.	<p>AIT: Ameritech Wisconsin satisfies Checklist Item 1 by making available all required forms of interconnection. Ameritech Wisconsin makes Fiber-Meet Interconnection available at any mutually agreeable, economically and technically feasible point between a CLEC's premises and an Ameritech Wisconsin tandem or end office. Deere Aff. ¶ 15. The Fiber-Meet arrangement may be used to provide interoffice trunking for originating and terminating calls between the two networks or for transit of calls to or from a third party via Ameritech Wisconsin's tandem switch. Id. ¶ 16; see also Id. ¶¶ 17-20 (discussing types of Fiber-Meet arrangements). CLECs can interconnect to Ameritech Wisconsin at the trunk-side or line-side of the local switch, trunk connection points of a tandem switch, central office cross-connect points, out-of-band signaling transfer points, and points of access to UNEs, as well as other technically feasible points upon request. Id. ¶¶ 23-24; 47 C.F.R. § 51.305(a)(2). At their discretion, CLECs can obtain a single point or multiple points of interconnection per LATA. Deere Aff. ¶ 32.</p> <p>AIT: Ameritech offers through its Generic Interconnection Agreement (GIA) a comprehensive set of terms and conditions that serve as the basis of its 251 / 252 negotiations with CLECs. Alexander Aff. ¶ 5. CLECs may adopt the GIA as is on a section by section basis as a negotiated agreement, negotiate new terms and conditions, and / or "opt-in" to sections of PSCW approved agreements with the exception of reciprocal compensation provisions. Id. ¶ 6-8.</p> <p>AIT (AADS): Ameritech Wisconsin's data affiliate, Ameritech Advanced Data Services of Wisconsin, Inc. ("AADS") offers interconnection applicable to its services. Habeeb Aff. ¶ 33.</p> <p><b>Norlight</b> does not have any response at this time with regard to Ameritech's compliance with this checklist requirement.</p>	

<sup>1</sup> CUB understands that these issues will be addressed in Phase 2 of this proceeding. CUB reserves the right to supplement its filings once additional information becomes available concerning KPMG's OSS testing, the company's legal challenges to, and its compliance with, the Commission's OSS and UNE-P orders, and other matters relevant to this investigation.

<sup>2</sup> Case 05-MA-120, Petition for Arbitration to Establish an Interconnection Agreement Between Two AT&T Subsidiaries, AT&T Communications of Wisconsin, Inc. and TCG Milwaukee, and Wisconsin Bell, Inc. (d/b/a Ameritech Wisconsin)

<sup>3</sup> ARTICLE III INTERCONNECTION PURSUANT TO SECTION 251(c)(2), ¶ 3.2.5-3.2.7 Error! Main Document Only.

<sup>4</sup> Virginia Arbitration Order, ¶ 88.

<sup>5</sup> Id., ¶ 90

<sup>10</sup> SBC-Ameritech Wisconsin/AT&T Interconnection Agreement, Article IV, Transmission And Routing Of Telephone Exchange Service Traffic Pursuant To Section 251(c)(2), ¶ 4.3.3.

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		<p><b>CLECs:</b> SBC/Ameritech cannot demonstrate current compliance with Checklist Item 1 because it will not abide by the requirements of Section 252(i). (See Cox Aff., ¶¶ 26-27).</p> <p><b>CLECs:</b> SBC/Ameritech also does not negotiate interconnection agreements in a commercially reasonable manner in order to provide the necessary nondiscriminatory interconnection with its network. (See Heitland Aff., ¶¶ 3-9; Cox Aff., ¶¶ 14-17; Sherwood Aff., ¶¶ 6-8).</p> <p><b>WCOM:</b> While Ameritech Wisconsin asserted in its response to the Joint CLECs' Motion for Reconsideration and/or Clarification of the UNE Order that CLECs electing to opt into other CLECs' interconnection agreements were not entitled to purchase out of the time-limited tariff filed pursuant to the UNE Order, the Commission has clarified that Ameritech Wisconsin must make those tariffed rates (when finally approved) available to CLECs pursuing the opt-in option for interconnection. (See Order dated May 8, 2002 in PSCW Docket No. 6720-TI-161 at p. 7). (Legal; UNE Cost).</p> <p><b>AT&amp;T:</b> In many areas Ameritech's interconnection policies are designed to maximize CLECs' costs, minimize their network efficiencies and prevent them from providing legitimate competitive services, while at the same time requiring them to provide Ameritech with services or support the CLEC is not otherwise required to provide. In particular, Ameritech positions on network architecture issues raise fundamental concerns about the interconnection of CLEC and ILEC networks (e.g., the number and location of "points of interconnection" and tandem exhaust and how, or even whether, the parties will compensate each other for the transport and termination of traffic originating on the other party's network). See Noorani Aff., ¶¶ 4 - 24. See also item 1.b., below.</p> <p><b>AIT Response:</b> Ameritech Wisconsin's practices with respect to Section 252 (i) of the federal Act are appropriate and Mr. Cox' assertions are wholly without merit. (See Alexander Reply Aff. ¶¶ 3-8). Ameritech Wisconsin does negotiate interconnection agreements in a commercially reasonable manner, contrary to Mr. Cox' claims. His claims respecting the involvement of Ameritech's retail unit in negotiations and the porting of arbitrated provisions to other states are unsupported by any evidence and lack support in relevant law. (See Alexander Reply Aff. ¶¶ 3-4).</p> <p><b>AIT Response:</b></p> <p>The Wisconsin Commission recently approved a new interconnection agreement between AT&amp;T and Ameritech Wisconsin. This was the result of arbitration decision.<sup>6</sup> In that interconnection agreement, AT&amp;T agreed to the following:</p> <p>3.2.5 At least one POI must be established within the LATA where SBC-AMERITECH operates as an incumbent LEC and AT&amp;T has a switch and End Users in that LATA. Each Party is responsible for the facilities to its side of the POI(s) and may utilize any method of interconnection described in this Article. Each Party is responsible for the appropriate sizing, operation, and maintenance of the transport facility to the POI(s).</p> <p>3.2.6 [Intentionally omitted]</p> <p>3.2.7 In each LATA the Parties agree to provide, at a minimum, sufficient facilities so that a local interconnection trunk group can be established from each AT&amp;T Switch Center in the LATA to each SBC-AMERITECH combined local and Access Tandem or local Tandem, where AT&amp;T originates or terminates local and/or toll traffic with SBC-AMERITECH.<sup>7</sup> Since this was not an arbitration issue, AT&amp;T should not be allowed to complain that it does not meet the requirements of Section 271.</p>	Factual and Legal

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		<p>The Wisconsin Arbitration Panel in Case 05-MA-120 agreed that it was proper for AT&amp;T to pay for trunking. In its decision on Issue 4, that addressed section 3.2 of the agreement, the Panel stated:</p> <p>From the Panel's reading of the interconnection agreement, it appears that AT&amp;T has a number of options for interconnecting with Ameritech end offices. It can interconnect at the tandem, and pay Ameritech for transport. It can establish dedicated trunking to those end offices using Ameritech-provided facilities. It can construct its own facilities between its offices and the Ameritech end offices, or it can pay a third party to provide such transport. The Panel sees little conflict remaining on these issues. The Panel awards this issue to Ameritech, and directs that Ameritech's language be used in the affected sections."</p> <p>Issue 9 of the arbitration was stated as: "Should a party only bear financial responsibility for facilities necessary to deliver traffic originating on its network to a point of interconnection with the other party's network, or should the parties share equally the investment for interconnection facilities?" The Panel decided:</p> <p>"As noted under issue 4, the Panel believes that AT&amp;T has the options it requires to reach Ameritech end offices, either by paying Ameritech for transport, or obtaining transport is other ways. This includes the ability to obtain one-way trunk groups, as decided in issue 6. Therefore, the Panel finds that each party should bear the costs of transport of traffic it originates to the other party's end office switching. The Panel finds that AT&amp;T should be required to pay the costs of trunking from its switching to Ameritech end offices, with charges appropriate to the method used (e.g. delivering traffic to the Ameritech tandem and using Ameritech tandem switching, or direct trunking to an end office.)"</p> <p>In the Virginia Arbitration Order, the FCC decided that it would not force AT&amp;T to accept Verizon's language that required direct office trunking when traffic requirements reached 24 trunks.<sup>8</sup> However, the FCC also decided that since WorldCom had agreed to such language it was acceptable in the WorldCom interconnection agreement.<sup>9</sup> AT&amp;T's interconnection agreement contains the following provision:</p> <p>4.3.3 Notwithstanding anything to the contrary contained in this Article IV, if the traffic volumes between any SBC-AMERITECH End Office and AT&amp;T Switch Center at any time exceeds the CCS busy hour equivalent of one (1) DS1, the Parties shall, within sixty (60) days after such occurrence, establish new direct trunk groups to the applicable End Office(s) consistent with the grades of service and quality parameters set forth in the Plan.<sup>10</sup></p> <p>Since AT&amp;T has entered into an agreement containing this clause, it is not appropriate for AT&amp;T to now claim Ameritech Wisconsin does not meet section 271 requirements.</p>	
<b>1.b.</b>	<p><b>Collocation</b> - Compelling carriers may choose any method of technically feasible interconnection at a particular point on the incumbent LEC's network. Incumbent LEC provision of interconnection trunking is one common means of interconnection. Technically feasible methods also include, but are not limited to, physical and virtual collocation and meet point arrangements. The provision of collocation is an essential prerequisite to demonstrating compliance with item 1 of the competitive checklist. In the Advanced Services First Report and Order, the Commission revised its collocation rules to require incumbent LECs to include shared cage and cageless collocation arrangements as part of their physical collocation offerings. In response to a remand from the D.C. Circuit, the Commission adopted the Collocation Remand Order, establishing revised criteria for equipment for which incumbent LECs must permit</p>	<p>AIT: In accordance with section 251(c)(6), 47 C.F.R. § 51.321, and 47 C.F.R. § 51.323, Ameritech Wisconsin makes available to CLECs collocation of telecommunications equipment that is necessary for interconnection and access to unbundled network elements. See Alexander Aff. ¶¶ 12, 23; Deere Aff. ¶¶ 26, 29. Ameritech Wisconsin's terms and conditions for collocation are provided in legally binding interconnection agreements and in a PSCW-ordered tariff. Alexander Aff. ¶ 12. In addition, a CLEC may negotiate and/or arbitrate terms and conditions for collocation as part of its own interconnection agreement with Ameritech Wisconsin. Id. Ameritech Wisconsin's interconnection agreements incorporate and fully comply with the FCC's collocation requirements as set forth in the Advanced Services Order, the Advanced Services Reconsideration Order, and the Advanced Services Remand Order. Alexander Aff. ¶ 12. A CLEC can apply for collocation space even while that CLEC's state certification is pending, or before the CLEC and Ameritech Wisconsin have entered into a final interconnection agreement. Alexander Aff. ¶ 13. Ameritech provides for physical (caged, shared and cageless) collocation as well as virtual collocation. Id. ¶ 22-30, 46-49. Delivery intervals, rates, terms and conditions and space reservation are just, reasonable and</p>	

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	<p>collocation, requiring incumbent LECs to provide cross-connects between collocated carriers, and establish processes and procedures in place to ensure that all applicable collocation arrangements are available on terms and conditions that are "just, reasonable, and nondiscriminatory" in accordance with section 251(c)(6) and the FCC's implementing rules. Data showing the quality of procedures for processing applications for collocation space, as well as the timeliness and efficiency of provisioning collocation space, help the Commission evaluate a BOC's compliance with its collocation obligations.</p>	<p>non-discriminatory. <i>Id.</i> 14-21, 34-45.</p> <p><b>AIT:</b> In addition, Ameritech provides for adjacent structure collocation AIT (AADS): AADS offers collocation applicable to its services. Habeeb Aff. ¶ 47.</p> <p>In Norlight's experience, Ameritech collocation has been marked by undue and unreasonable costs, delays, mistakes, and restrictions. In short, Ameritech's collocation offerings and performance simply have not (and do not) reasonably reflect the options that Congress envisioned nor the efficiency of a provider that has been handling collocation requests for six full years. Ameritech has not satisfied this checklist requirement.</p> <p><b>CLECs:</b> SBC/Ameritech also fails to meet Checklist Item 1 because it fails to provide all legally required forms of interconnection, including collocation, and does not provide collocation in a reasonable and nondiscriminatory manner. (<i>See Cox Aff.</i>, ¶¶ 28-40).</p> <p><b>WCOM:</b> Note: WorldCom objects to being required to address collocation-related issues in this phase of the proceeding given the Commission's July 1, 2002 Order stating that it had decided that there will be at least two phases to this investigation, and that the "first phase will consist of identifying issues and contested facts and law in areas not related to Ameritech's provision of OSS and UNE[s]." and the "second phase will consider the progress of two contested case dockets, <i>Investigation Into Ameritech Wisconsin Operational Support Systems</i>, PSCW docket 6720-TI-160, dealing with the testing of the sufficiency and nondiscriminatory qualities of Ameritech's operational support systems (OSS), and <i>Investigation Into Ameritech Wisconsin's Unbundled Network Elements</i>, PSCW docket 6720-TI-161, addressing availability and pricing of Ameritech's unbundled network elements (UNEs)." (<i>See</i> July 1, 2002 Order at 2). WorldCom further objects on the basis that the July 1, 2002 Order confirms that the collaborators scheduled for August 2002, for which this matrix is intended to provide a framework, "shall not discuss the merits of the OSS and UNE dockets." (<i>Id.</i> at 3). Without waiving these objections, and specifically reserving its right to supplement this matrix in the future, WorldCom states as follows:</p> <p><b>WCOM:</b> Non-Discriminatory Access to xDSL, Loop Conditioning, Line Sharing, Line Splitting, Collocation, Non-Recurring Charges and the HFPL UNE, as well as pricing for that access, will all be addressed in the CLECs' August 1, 2002 Comments on Ameritech Wisconsin's May 21, 2002 compliance filing in the UNE docket. As will be demonstrated there, Ameritech Wisconsin has failed to properly implement the PSCW's UNE Order on these subjects. (Factual; Legal; UNE Cost)</p> <p><b>AT&amp;T:</b> Ameritech has not provided CLECs access to the Connecting Facility Arrangement ("CFA", the basic interconnection point where ILECs connect their wires to the CLEC network) at parity with the manner in which Ameritech may access the CFA. Moreover, Ameritech discriminates against CLECs in approving vendors for access to the CFA. Noorani Aff. ¶¶ 25 - 35.</p> <p><b>AIT Response:</b> AT&amp;T and TDS both seek access to portions of the central office they are not entitled to have under the FCC's collocation rules. The FCC has never required the type of access to the MDF sought by TDS and AT&amp;T as a condition of Section 271 approval. (<i>See</i> Alexander Reply Aff. ¶¶ 11-12). The FCC has also repeatedly affirmed the right and obligation of an ILEC to secure its network facilities (<i>See</i> Alexander Reply Aff. ¶ 12).</p> <p><b>AIT Response:</b> Ameritech Wisconsin's collocation policies are reasonable, supported by relevant policy and law, and do not hinder a CLECs ability to obtain collocation on reasonable and non-discriminatory terms (<i>See</i> Alexander Reply Aff. ¶¶ 12-28). Ameritech Wisconsin is</p>	Factual and Legal



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		<p>entitled to protect its network, and the requirement that CLECs use an authorized vendor to perform work at the MDF is reasonable and does not cause undue delays in resolving a CLEC's service problems. See Alexander Reply Aff. ¶20. Ameritech's current practice is compliant with FCC rules and is supported in Wisconsin by its effective collocation tariff.</p> <p><b>AIT Response:</b> Ameritech Wisconsin provides collocation in accordance with the FCC's rules and the PSCW's requirements. Norlight has raised allegations, without factual support, that are outside this proceeding and outside the state of Wisconsin, and therefore irrelevant in this proceeding. (See Williams Reply Aff. ¶¶ 9-13) Norlight raises issues with billing and other aspects of its operational relationship with Ameritech in general. (See Williams Reply Aff. ¶¶ 9-13) Ameritech Wisconsin is committed to working with Norlight to understand these issues and resolve billing matters. However, these types of issues are appropriately handled outside of this proceeding.</p>	
1.C.	<p><b>Pricing</b> - checklist item 1 requires a BOC to provide "interconnection in accordance with the requirements of sections 251(c)(2) and 252(d)(1)." Section 252(d)(1) requires state determinations regarding the rates, terms, and conditions of interconnection to be based on cost and to be nondiscriminatory, and allows the rates to include a reasonable profit. The Commission's pricing rules require, among other things, that in order to comply with its collocation obligations, an incumbent LEC provide collocation based on TELRIC.</p>	<p><b>AIT:</b> As demonstrated below, in checklist item 2 (access to unbundled network elements), Ameritech Wisconsin provides interconnection and physical and virtual collocation at rates that comply with all FCC and statutory requirements.</p> <p><b>AIT (AADS):</b> Pricing for AADS is as set forth in its generic agreement available at a website. Habeeb Aff. ¶ 29.</p> <p><b>Norlight</b> does not have any response at this time with regard to Ameritech's compliance with this checklist requirement.</p> <p><b>CLECs:</b> SBC/Ameritech also is not meeting the Act's interconnection requirements because it continually fails to properly, accurately, and timely bill CLECs. (See Cox Aff., ¶¶ 18-25, 89-90; Dentmeyer Aff., ¶¶ 3-5; Burke Aff., ¶¶ 4-5).</p> <p><b>WCOM:</b> Note: WorldCom objects to being required to address UNE pricing in this phase of the proceeding given the Commission's July 1, 2002 Order stating that it had decided that there will be at least two phases to this investigation, and that the "first phase will consist of identifying issues and contested facts and law in areas not related to Ameritech's provision of OSS and UNE[s]," and the "second phase will consider the progress of two contested case dockets, <i>Investigation Into Ameritech Wisconsin Operational Support Systems</i>, PSCW docket 6720-TI-160, dealing with the testing of the sufficiency and nondiscriminatory qualities of Ameritech's operational support systems (OSS), and <i>Investigation Into Ameritech Wisconsin's Unbundled Network Elements</i>, PSCW docket 6720-TI-161, addressing availability and pricing of Ameritech's unbundled network elements (UNEs)." (See July 1, 2002 Order at 2). WorldCom further objects on the basis that the July 1, 2002 Order confirms that the collaboratives scheduled for August 2002, for which this matrix is intended to provide a framework, "shall not discuss the merits of the OSS and UNE dockets." (Id. at 3). Without waiving these objections, and specifically reserving its right to supplement this matrix in the future, WorldCom states as follows:</p> <p><b>WCOM:</b> Ameritech Wisconsin's draft 271 application is woefully deficient in addressing the issues of UNE pricing and its obligation to provide interconnection and UNEs at TELRIC rates. None of Ameritech Wisconsin's revised affidavits, nor its matrix submission, even mention the Commission's UNE pricing order issued on March 22, 2002 in Docket 6720-TI-161. And despite the fact that the Commission has issued its order in that docket, CLECs still will not know what UNE rates they will be required to pay for some time. CLECs have not yet completed their analysis of Ameritech's compliance filing, but CLECs' initial analysis has already identified multiple problems with the rates Ameritech Wisconsin has proposed based upon its interpretation of the Commission's UNE order. Moreover, on June 6, 2002,</p>	Factual and Legal

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		<p>Ameritech appealed virtually every single aspect of the UNE Order to the U.S. District Court for the Western District of Wisconsin (Case No. 02-C-0315-S). Thus, given the amount of time it will take for the Commission to resolve the obvious disputes between CLECs and Ameritech over the rates that should result from the Commission's UNE order, and the appeal that Ameritech has already filed, it is inconceivable that Ameritech can satisfy Checklist Item 2. <i>There are no final, non-appealable TELRIC-based UNE rates in place.</i> Before the Commission recommends that the FCC grant Ameritech Wisconsin 271 authority, the Commission should cap UNE and interconnection rates that result from the UNE order for a period of five years. (Campion Aff. ¶¶ 5-15). (Factual; Legal; UNE Cost)</p> <p><b>WCOW:</b> Non-Discriminatory Access to xDSL, Loop Conditioning, Line Sharing, Line Splitting, Collocation, Non-Recurring Charges and the HFPL UNE, as well as pricing for that access, will all be addressed in the CLECs' August 1, 2002 Comments on Ameritech Wisconsin's May 21, 2002 compliance filing in the UNE docket. As will be demonstrated there, Ameritech Wisconsin has failed to properly implement the PSCW's UNE Order on these subjects. (Factual; Legal; UNE Cost)</p> <p><b>AT&amp;T:</b> As demonstrated in Item 2.3 below, Ameritech has not shown in a concrete and specific legal manner that it has met all of its obligations to furnish checklist items (i.e., interconnection, unbundled network elements, collocation services, etc.) at prices and other terms that would satisfy § 271 of the Telecommunications Act of 1996. <i>Henson Aff. ¶ 5.</i></p> <p><b>NOTE:</b> Pursuant to the Commission's Order dated July 1, 2002 the Commission has indicated that issues pertaining to OSS will be deferred until Phase 2 of this proceeding. Nevertheless, Ameritech Wisconsin, in anticipation of Phase 2, will set forth, generally, the outlines of its compliance with requirements pertaining to OSS as contained in its initial filing.</p> <p><b>AT&amp;T NOTE:</b> Pursuant to the Commission's Order of July 1, 2002, the Commission has indicated that issues pertaining to OSS will be deferred until Phase 2 of this proceeding. Accordingly, AT&amp;T does not undertake at this time to provide a comprehensive assessment of problems pertaining to Ameritech's OSS, but will in its position statements provide illustrative material.</p> <p><b>AIT:</b> Ameritech Wisconsin offers requesting carriers a full menu of electronic and manual options to access each of the five OSS functions (pre-ordering, ordering, provisioning, repair and maintenance, and billing) for whatever entry strategy (interconnection, unbundled access, or resale) they choose. In connection with the March 2001 implementation of version 4 of the upgrades designed to keep existing OSS options current, to give requesting carriers still more alternatives for OSS access, and to address operational issues raised by requesting carriers, Ameritech Wisconsin developed these improvements in close cooperation with CLECs and regulatory authorities in collaborative proceedings overseen either by the FCC, the PSCW, or other state commissions throughout the Ameritech region (as subsequently incorporated in Wisconsin and approved by the PSCW). They have been</p>	
<b>2.1a.</b>	<p><b>(II) 1a Unbundled Network Elements - Access to Operations Support Systems:</b></p> <p>Section 271(c)(2)(B)(ii) requires a BOC to provide "nondiscriminatory access to network elements in accordance with the requirements of sections 251(c)(3) and 252(d)(1)." The Commission has determined that access to OSS functions falls squarely within an incumbent LEC's duty under section 251(c)(3) to provide unbundled network elements (UNEs) under terms and conditions that are nondiscriminatory and just and reasonable, and its duty under section 251(c)(4) to offer resale services without imposing any limitations or conditions that are discriminatory or unreasonable.</p> <p>As part of its statutory obligation to provide nondiscriminatory access to OSS functions, a BOC must provide access that sufficiently supports each of the three modes of competitive entry envisioned by the 1996 Act – competitor-owned facilities, UNEs, and resale. For OSS functions that are analogous to those that a BOC provides to itself, its customers or its affiliates, the nondiscrimination standard requires the BOC to offer requesting</p>		

<sup>11</sup> As noted by SBC/Ameritech, issues pertaining to OSS will be deferred until Phase 2 of this proceeding. The CLECs' identification of problems with SBC/Ameritech's OSS is not a comprehensive or complete list, and cannot be until the Commission OSS proceeding (Docket No. 6720-TI-160) concludes. As noted in the CLECs' Initial Comments (at 2-3, 18), the uncertain and ongoing nature of related proceedings; the significant number and severity of problems with the SBC/Ameritech OSS testing; the questionable validity of the OSS data and test results; and, the lack of an opportunity for the CLECs to conduct discovery in this proceeding all limit the CLECs' ability to fully identify SBC/Ameritech's instances of noncompliance with the OSS-related checklist items. Likewise, given SBC/Ameritech's inadequate compliance filing in the Commission's UNE proceeding (Docket No. 6720-TI-161) and SBC/Ameritech's appeal of UNE Order, similar problems exist with regard to the UNE cost-related checklist items. The CLECs reserve the right to supplement their position as stated in this matrix as additional or more accurate information becomes available.

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	<p>carriers access that is equivalent in terms of quality, accuracy, and timeliness. The BOC must provide access that permits competing carriers to perform these functions in "substantially the same time and manner" as the BOC.</p> <p>For OSS functions that have no retail analogue, the BOC must offer access "sufficient to allow an efficient competitor a meaningful opportunity to compete." In assessing whether the quality of access affords an efficient competitor a meaningful opportunity to compete, the Commission will examine, in the first instance, whether specific performance standards exist for those functions. In particular, the Commission will consider whether appropriate standards for measuring OSS performance have been adopted by the relevant state commission or agreed upon by the BOC in an interconnection agreement or during the implementation of such an agreement. If such performance standards exist, the Commission will evaluate whether the BOC's performance is sufficient to allow an efficient competitor a meaningful opportunity to compete.</p> <p>The Commission analyzes whether a BOC has met the nondiscrimination standard for each OSS function using a two-step approach.</p> <p>Under the first inquiry, a BOC must demonstrate that it has developed sufficient electronic (for functions that the BOC accesses electronically) and manual interfaces to allow competing carriers equivalent access to all of the necessary OSS functions.</p> <p>Under the second inquiry, the Commission examines performance measurements and other evidence of commercial readiness to ascertain whether the BOC's OSS is handling current demand and will be able to handle reasonably foreseeable future volumes. The most probative evidence that OSS functions are operationally ready is actual commercial usage.</p>	<p>codified in a Uniform and Enhanced Plan of Record for OSS, filed with the FCC at the conclusion of the federal collaborative proceedings without any objection from the participating CLECs, and in joint progress reports provided to the PSCW in Docket No. 6720-TI-160, and they are binding on Ameritech Wisconsin.</p> <p><b>AIT:</b> To demonstrate on an ongoing basis the commercial results of these OSS undertakings, Ameritech Wisconsin – with input from the PSCW Staff and numerous requesting carriers in a collaborative proceeding initiated by the PSCW – has also implemented a comprehensive array of 150 performance measurements (divided into over 1,900 wholesale categories such as product, service, and geographic area to facilitate analysis) governed by rigorous standards. Her Aff. ¶¶ 42-46. These measurements and standards are modeled on, and substantially identical to, the Southwestern Bell performance plans approved by the FCC in its Texas 271 Order, the Kansas &amp; Oklahoma 271 Orders, and the Arkansas &amp; Missouri 271 Order. Ehr Aff. ¶ 46. They are referenced in interconnection agreement amendments. Id. ¶ 21. The PSCW approved (and made binding) the agreed performance measurements and standards in Docket No. 6720-TI-160. Id. ¶ 41. Ameritech Wisconsin and the CLECs participating in the Wisconsin collaborative proceedings submitted updates to those measurements and standards by joint motion to the PSCW on January 25, 2002. Id. ¶ 50.</p> <p><b>AIT:</b> Further, as described in the affidavits of Messrs. Cottrell, Brown, and Foster, Ameritech Wisconsin has established several service organizations to assist requesting carriers: a Local Service Center to facilitate ordering, a Local Operations Center to assist in provisioning unbundled network elements and in repair and maintenance activities, a Network Services Organization for high-capacity products and services, and call-in centers for advice and assistance. A dedicated account team (described in Ms. Williams's affidavit) serves as the requesting carrier's single point of contact for coordinating and resolving questions or problems.</p> <p><b>AT&amp;T:</b> AT&amp;T's experience with the Ameritech call center support for CLECs, in particular Ameritech's Mechanized Customer Production Support Center (MCPSC) and the Information Services Call Center (ISCC) have shown them to be insufficiently staffed with knowledgeable personnel, leading to unduly long hold times and delays in resolving troubles. Additionally, the roles of Ameritech's numerous service centers have not been sufficiently defined. Willard Aff., ¶¶ 107 – 109.</p> <p><b>AIT:</b> Over and above the extensive efforts it has already made, Ameritech Wisconsin is committed to continuous upkeep and improvement of OSS access in order to keep abreast of developments in technology and law. To that end, Ameritech Wisconsin and its affiliates spent over a year negotiating a uniform Change Management Plan ("CMP") for all 13 SBC/Ameritech states. Cottrell Aff. ¶ 199. The CMP offers requesting carriers multiple opportunities to suggest changes to OSS, to provide input on and receive information about proposed changes, and to test changes before their actual implementation. The 13-state plan is modeled on plans approved by the FCC for Texas, Kansas, Oklahoma, Arkansas, and Missouri, and it has been presented to the FCC in final form (as part of the collaborative proceeding on Uniform and Enhanced OSS) with no disputed issues at the federal level.</p> <p><b>AT&amp;T:</b> AT&amp;T's experience with Ameritech's rollout of its LSOG 4 release showed that the release was and is mired with documentation errors and that it deviated greatly from the stated change management timeframes, all of which made it virtually impossible for CLECs to be in a position to use it at the time it was implemented, and showed a serious lack of preparedness by Ameritech once the release was made available in March 2001. The</p>	

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		<p>number and timing of CMP 'exception' requests issued by SBC do not meet the intent and spirit of the CMP exception process and belie SBC/Ameritech's claim that the LSOG 4 release was ready for CLEC production. In fact, updates to LSOG 4 documentation continue to be made. The Commission cannot conclude that Ameritech's CMP can be relied upon to perform the function Mr. Cottrell describes, i.e., "to facilitate change while ensuring that standard methods and procedures are followed, thereby minimizing possible negative impacts of the change on service level commitments." See Willard Aff. ¶¶ 33, 50 – 51.</p> <p><b>AIT Response:</b> In implementing the March 2001 release, Ameritech did not miss any of the agreed upon change management notification dates. The final requirements were issued November 22, 2000, well within the 110 to 130 day calendar day window required by the 13-state CMP. The final requirements walkthrough took place November 30 and December 1. Though several changes were made to the March 24 release requirements after the final requirements were released, these changes were a result of additional collaborative walkthrough sessions that were held at the request of the CLECs. Cottrell Reply Aff. ¶¶ 26 – 29.</p> <p><b>AIT (AADS):</b> AADS's interconnection agreement tracks the FCC packet switching unbundling rule. Habeab ¶¶ 34, 35. AADS's OSS is sufficient to serve CLEC requests. Habeab Aff. ¶¶ 36-46.</p> <p>As set forth in detail in <b>Norlight's</b> comments submitted in this proceeding on July 2, 2002, Ameritech has not deployed the necessary systems, processes, and personnel to give providers like Norlight the opportunity to compete that Congress envisioned in creating the competitive checklist. Whether by design or simply by circumstance, in Norlight's experience, the Ameritech OSS system is marked by administrative inefficiency, miscommunication, error, and delay. Indeed, in the case of collocation, an inherently up-front activity that necessarily sets the stage and timing for most, if not all, Norlight services reliant upon Ameritech facilities, Ameritech's OSS system is particularly problematic and an impediment to effective competition. Through its OSS system, Ameritech has clearly not satisfied the competitive checklist.</p> <p><b>AIT Response:</b> Ameritech Wisconsin offers requesting carriers a full menu of electronic and manual options to access each of the five OSS functions (pre-ordering, ordering, provisioning, repair and maintenance, and billing) for whatever entry strategy (interconnection, unbundled access, or resale) they choose. In connection with the March 2001 implementation of version 4 of the upgrades designed to keep existing OSS options current, to give requesting carriers still more alternatives for OSS access, and to address operational issues raised by requesting carriers, Ameritech Wisconsin developed these improvements in close cooperation with CLECs and regulatory authorities in collaborative proceedings overseen either by the FCC, the PSCW, or other state commissions throughout the Ameritech region (as subsequently incorporated in Wisconsin and approved by the PSCW). They have been codified in a Uniform and Enhanced Plan of Record for OSS, filed with the FCC at the conclusion of the federal collaborative proceedings without any objection from the participating CLECs, and in joint progress reports provided to the PSCW in Docket No. 6720-T1-160, and they are binding on Ameritech Wisconsin.</p> <p><b>CLECs:</b> SBC/Ameritech does not meet Checklist Item 2 because CLECs' access to network elements has been thwarted by SBC/Ameritech's poor service quality provided to its retail and wholesale customers. (See CLEC Initial Comments, at 17-18; Cox Aff., ¶¶ 42-45; Jones Aff., ¶¶ 4-17).</p>	Factual, Legal, and OSS

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		<p><b>AIT Response to CLECs:</b> Ameritech Wisconsin's performance of its wholesale service obligations to Wisconsin CLECs has improved has exceeded 90% measures subject to remedied met for all of 2002. Ameritech Wisconsin's quality of wholesale service has been at, and continues to be at, high levels. No evidence is provided been any other parties to the contrary. Ehr Reply Aff ¶ 14. The effect of the performance assurance plan proposed here, as implemented in other Ameritech states, have factored into increased levels of performance sustained at high level in Wisconsin. Wisconsin CLECs and consumers have benefited from the implementation of essentially the same remedy plan proposed here as Ameritech's systems, processes and procedures are predominantly regional in nature, with enhancements made initially in one state being carried over into all five Ameritech states. Ehr Reply Aff ¶ 15.</p> <p><b>CLECs:</b> SBC/Ameritech cannot demonstrate compliance with Checklist Item 2 because it does not provide CLECs with reasonable and nondiscriminatory access to its OSS.<sup>11</sup> (See CLEC Initial Comments, at 18-20; Bowers Aff., ¶¶ 3-5; Cox Aff., ¶¶ 68-84, 87-88; Dentmeyer Aff., ¶¶ 3-5; McNally Aff., ¶¶ 3-8; Jones Aff., ¶¶ 7, 9, 11-17; Sprague Aff., ¶¶ 3-16; Sherwood Aff., ¶¶ 9-21; Kagele Aff., ¶¶ 6-34; Sherwood Testimony, at 1-20).</p> <p><b>CLECs:</b> The electronic files provided by SBC/Ameritech do not contain sufficient and necessary information, and make auditing impossible.</p> <p><b>CLECs:</b> Despite SBC/Ameritech's claims, a dedicated account team is not always available to coordinate or resolve CLEC questions or problems.</p> <p><b>AIT Response:</b> A dedicated Account Team serves as the requesting carriers single point of contact for coordinating and resolving questions or problems. The Account Team is comprised of the Account Manager and other dedicated individuals who take very seriously their role in facilitating the CLEC's entry into the local market. The Account Manager acts as the catalyst in resolving issues through subgroup meetings. The Account Manager also interfaces with all the various organizations within Ameritech to be the customer advocate. In addition to the Account Manager, each CLEC choosing to collocate equipment in an Ameritech office is assigned a Collocation Account Manager who facilitates the processing of the CLEC's collocation requests, installations, turn-up and on-going account maintenance with regard to these installations. (See Marilyn Williams 4/19/02 draft affidavit, ¶¶ 8-12)</p> <p><b>CLECs:</b> As detailed below, multiple deferred and open KPMG Exceptions also demonstrate that SBC/Ameritech currently does not meet Checklist Item 2. Additionally, as noted below, various deferred and open KPMG Observations demonstrate that significant and substantial problems exist with SBC/Ameritech's OSS. Each and every test of SBC/Ameritech's OSS functions (preordering, ordering, provisioning, maintenance and repair, and billing) must be completed satisfactorily before the Commission can be assured that CLECs are being provided with reasonable nondiscriminatory access to SBC/Ameritech's OSS.</p> <p><b>AIT Response to CUB:</b> Issues have been raised regarding the integrity and accuracy of performance measurements and performance remedies because of the Observations and Exceptions issued by KPMG during its Third Party Test of Ameritech Wisconsin's existing OSS systems. Accuracy and integrity of the results reported by Ameritech Wisconsin is a Phase II issue that will be addressed after KPMG issues its report and Ameritech Wisconsin's performance data is placed into the record for comment by all parties. Ehr Reply Aff. ¶ 47.</p> <p><b>TWTC:</b> SBC/Ameritech discriminates between CLECs who purchase UNEs and CLECs who purchase special access, providing dismal quality of service for special access services and</p>	Factual, Legal, and OSS

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		<p>refusing to agree to performance measures although the services are functional equivalents. (See Kagele Aff., ¶¶ 6-34).</p> <p><b>AIT Response:</b> Special Access performance is not a 271 item, and its discussion is not pertinent to these proceedings. Further, the performance that TWTC cites as evidence is from Ohio, not Wisconsin, and it occurred more than a year ago. No affiant in these proceedings has identified any specific issues with AIT's current special access performance in Wisconsin, which is actually very strong. (See Foster Reply Comments at ¶¶ 5-7.)</p> <p><b>WCOM:</b> Note: WorldCom objects to being required to address access to OSS in this phase of the proceeding given the Commission's July 1, 2002 Order stating that it had decided that there will be at least two phases to this investigation, and that the "first phase will consist of identifying issues and contested facts and law in areas not related to Ameritech's provision of OSS and UNE[s]," and the "second phase will consider the progress of two contested case dockets, <i>Investigation Into Ameritech Wisconsin Operational Support Systems</i>, PSCW docket 6720-TI-160, dealing with the testing of the sufficiency and nondiscriminatory qualities of Ameritech's operational support systems (OSS), and <i>Investigation Into Ameritech Wisconsin's Unbundled Network Elements</i>, PSCW docket 6720-TI-161, addressing availability and pricing of Ameritech's unbundled network elements (UNEs)." (See July 1, 2002 Order at 2). WorldCom further objects on the basis that the July 1, 2002 Order confirms that the collaboratives scheduled for August 2002, for which this matrix is intended to provide a framework, "shall not discuss the merits of the OSS and UNE dockets." (<i>Id.</i> at 3). Without waiving these objections, and specifically reserving its right to supplement this matrix in the future, WorldCom states as follows:</p> <p><b>WCOM:</b> Due to Ameritech Wisconsin's pending appeals of the PSCW's September 25, 2001 OSS Order, including its successful pursuit of a stay of its obligations to make payments under the remedy plan adopted therein, there is currently no effective remedy plan in this state. Thus, even if Ameritech Wisconsin acknowledges its obligations to provide non-discriminatory access to its OSS, there is no mechanism by which to ensure and compel its compliance with these obligations. (Campion Aff. ¶¶ 6, 18-23). (Legal: OSS)</p> <p><b>AIT Response to WCOM:</b> Use of the performance remedy plan proposed for Section 271 purposes here will allow Ameritech Wisconsin to meet the concerns of WorldCom Affiant Campion at paragraph 23 of her Affidavit that the FCC has not granted Section 271 approval without an effective performance remedy plan in place. Ehr Reply Aff ¶ 8.</p> <p>Ameritech Wisconsin has implemented and is adhering to provisions of the remedy plan ordered by the Wisconsin Commission. As it is currently under judicial review, Ameritech Wisconsin is proposing the same performance remedy plan it proposed in Docket No. 6720-TI-160. Ehr Reply Aff ¶ 7.</p> <p><b>WCOM:</b> Based on WorldCom's actual marketplace experience, it is apparent that Ameritech's OSS contains critical functional deficiencies and are not operationally ready. These deficiencies include: 1) continued problems with missing Service Order Completion ("SOC") notices; 2) flow through failures, which result in the need for excessive manual handling, which leads to inconsistent provisioning and errors; 3) impediments to line splitting that cause hundreds of WorldCom migration orders to be rejected because the customer has DSL service; 4) ongoing provisioning errors where customer orders are provisioned without ordered features or with features that were not ordered; and 5) errors in switch translations which causes intralata toll traffic not to be routed to the PIC'd intralata toll carrier. (Lichtenberg Aff. ¶ 6). A number of these deficiencies have been identified by KPMG, the</p>	

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		<p>third-party auditor hired to test Ameritech's OSS. (Factual; Legal; OSS)</p> <p><b>AIT Response:</b> Ameritech is not aware of any new issues that prevent line loss notifiers from being sent to CLEC. Ameritech implemented its last corrective enhancement on June 3, 2002. Since that time, Ameritech has monitored the line loss performance and data indicates that 99% of all line loss notifications are now being sent correctly and in a timely manner (within 24 hours of completion). Cottrell Reply Aff ¶¶ 3-20.</p> <p><b>WCOM:</b> In addition to WorldCom's actual marketplace experience, KPMG Consulting, the independent, third-party evaluator of the OSS testing that is ongoing in the five-state region, filed a lengthy interim report with the Illinois Commerce Commission. This report details the continuing failures of Ameritech's region-wide OSS systems. Among the continuing problems KPMG documented were: 1) Failure to update more than 10 percent of Customer Service Records ("CSRs") reviewed during testing, 2) Lack of timely or accurate responses during preorder/order volume testing, 3) Failure to provide proper line loss notification 51 percent of the time, 4) failure to make correct directory assistance updates over 26 percent of the time during testing, 5) failure to update switch translations 8 percent of the time during testing, 6) failure to provide an end-to-end maintenance and repair process that ensures that trouble reports are handled consistently, accurately and completely, 7) Orders that have failed to flow through SBC Ameritech EDI systems as expected, and 8) Ameritech EDI systems that did not provide over 5 percent of SOC's within one business day of confirmed due dates. (WorldCom Initial Comments, Exh. 3 (KPMG Report at 8)). (Factual; Legal; OSS)</p> <p><b>AIT Response:</b> Ameritech Wisconsin offers procedures that enable CLECs to engage in line splitting as defined by the FCC. The so-called line splitting orders referenced by WorldCom did not follow the established ordering procedures. In addition, if Ameritech Wisconsin had processed the orders as requested by WorldCom, it would have placed WorldCom's voice service over a data CLEC's network facilities without the permission of the data CLEC. (See Chapman Reply Comments at ¶¶ 40-46 and 55-59)</p> <p><b>WCOM:</b> KPMG also noted "numerous unresolved issues in SBC Ameritech's performance metrics systems and processes, including: 1) SBC Ameritech's data retention policies regarding source data do not enable thorough and complete audits; 2) The procedures and controls SBC Ameritech has in place for performance measurement calculation and reporting are inadequate, 3) SBC Ameritech restated performance measurements without notifying CLECs and regulators in a consistent manner, and 4) SBC Ameritech does not provide accurate notices of performance measure restatements. (WorldCom Initial Comments, Exh. 3 (KPMG Report, at 8)). (Factual; Legal; OSS)</p> <p><b>AIT Response:</b> Accuracy and integrity of the results reported by Ameritech Wisconsin is a Phase II issue that will be addressed after KPMG issues its report and Ameritech Wisconsin's performance data is placed into the record for comment by all parties. Ehr Reply Aff. ¶ 47.</p> <p><b>AT&amp;T:</b> One of the more serious basic concerns with Ameritech's systems is that they are too heavily reliant on manual processing, which is a recipe for disaster as order volumes increase. This was the source of the original Line Loss Notifier problem, below. Willard Aff., ¶¶ 12 - 13.</p> <p><b>AIT response:</b> Most all of Ameritech's processes are automated. Ameritech has made it very clear which orders, if correctly submitted to Ameritech, will flow-through Ameritech's systems without any manual intervention. Ameritech has shared with the CLECs and the PSCW the "Flow-through and Exceptions" document that clearly states which orders will flow-through Ameritech's systems. A current copy of "Flow-through and Exceptions" document</p>	

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		<p>can be found on the Ameritech CLEC web site at <a href="https://clec.sbc.com/cmp/cmp.cfm">https://clec.sbc.com/cmp/cmp.cfm</a>. In addition, Ameritech is working with CLECs on a 24-month flow-through initiative to improve its flow-through capabilities based on direct input from CLECs, which AT&amp;T is an active participant. Cottrell Reply Aff ¶ 70.</p> <p>AT&amp;T's experience using Ameritech's joint testing environment shows that it is flawed, as it does not mirror Ameritech's actual production environment, and it severely limits the number of test orders that can be discussed each day. Willard Aff. ¶¶ 90 - 96.</p> <p><b>AIT Response:</b> Each of these issues will be evaluated by KPMG. The 13-state Change Management Process requires that Ameritech make a new software release available to the CLEC for testing 67 days prior to its release into production. At that time, the test environment is "production +1", meaning that the version that is currently being tested is newer than the version that is in production. From a logical view, if the Joint Test Environment ("JTE") always mirrored production, the CLEC would never be able to test a new software version prior to its release into production.</p> <p>AT&amp;T is correct that, as a general rule, Ameritech does limit the number of orders that are reviewed to five per day. But we also allow CLECs to submit more test cases if they provide advance notice, so we can coordinate testing among the many CLECs (and with our own quality control testing). Cottrell Reply Aff ¶ 38-39.</p> <p>AT&amp;T has encountered serious problems in connection with Ameritech's inability to consistently send Line Loss Notifiers, which are the electronic records sent by Ameritech to a CLEC when an end user customer terminates a CLEC's UNE-P based service. Failure to provide LLNs can result in serious double-billing problems. Ameritech claims to have instituted a "fix" applicable to ILEC to CLEC LLNs, but it has not yet shown that it has a plan or process in place for CLEC-to-CLEC migration notifiers, which remain highly manual and therefore prone to error. See Van De Water Aff., ¶¶ 28 - 49; Willard Aff., ¶¶ 12 - 13, 65 - 72..</p> <p><b>AIT Response:</b> Ameritech is not aware of any new issues that prevent line loss notifiers from being sent to CLEC. Ameritech implement its last corrective enhancement on June 3, 2002. Since that time, Ameritech has monitored the line loss performance and data indicates that 99% of all line loss notifications are now being sent correctly and in a timely manner (within 24 hours of completion). Cottrell Reply Aff ¶¶ 3-20.</p> <p>A recent interim report issued by KPMG to the Illinois Commerce Commission confirms many of the flaws AT&amp;T has uncovered in its experience using Ameritech's OSS. KPMG's report identified a number of serious problems identified in Ameritech's OSS that must be corrected before Ameritech can be considered to have "passed" the OSS test ongoing in this region. Among the major issues identified are:</p> <ul style="list-style-type: none"> <li>• Ameritech's OSS improperly updates Customer Service Records (also known as CSRs).</li> <li>• Ameritech's OSS gave inaccurate and untimely responses during pre-order and order volume testing.</li> <li>• Ameritech's OSS incorrectly update directory assistance databases.</li> <li>• Ameritech's OSS give inconsistent and inaccurate maintenance trouble reports.</li> <li>• Ameritech's OSS have failed to meet flow-through commitments.</li> <li>• Ameritech's OSS fail to ensure timely and accurate service order completion notifications.</li> <li>• Ameritech's OSS have endemic problem relating to the substantiation of its</li> </ul>	



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		<p>performance measurement and remedy plan payment calculations.</p> <p>The important insight to be gained from this report is that the defects KPMG has found in Ameritech's OSS are not isolated, minor problems. Nearly every portion of Ameritech's OSS received a failing grade in the report. Willard Aff. ¶¶ 80 – 81.</p> <p>Moreover, the pervasive problems with Ameritech's LSOG 4 release, both in rollout and implementation, should lead the Commission to conclude that it must review and incorporate into its deliberations KPMG testing experience (and whatever CLEC experience there may be) on the LSOG 5 release before reaching any definitive conclusions concerning Ameritech's OSS. The April 2002 release involved a major re-working of the architecture of the Ameritech systems as part of the move to uniformity across the 13-state SBC region – a condition of the approval of the SBC/Ameritech merger at the FCC. From the perspective of potential entrants, there is reason for great concern arising from the fact that the KPMG test has been conducted on the LSOG 4-based systems, yet Ameritech has proceeded to change those systems to LSOG 5, which is to serve as the basis for broad local entry. LSOG 5 should be a focus of the Commission's 271 review here. Willard Aff., ¶ 52.</p> <p><b>AIT Response:</b> performance of Ameritech's OSS is a Phase II issue that will be addressed after KPMG issues its report and Ameritech Wisconsin's performance data is placed into the record for comment by all parties.</p> <p><b>AIT Response:</b> Ameritech's implementation of the LSOG 5 release, or even LSOG 4, is not a requirement of 271-checklist compliance given that the FCC has approved applications from ILECs in seven states (New York, Texas, Kansas, Oklahoma, Massachusetts, Connecticut, Pennsylvania), even though none of those ILECs had implemented LSOG 5. In fact, the FCC approved Bell Atlantic's application for New York at a time when it was operating under LSOG 3 standards, and approved SBC's applications for Texas, Kansas and Oklahoma when SWBT's OSS were also provided under LSOG 3 standards. More recently, the FCC approved Verizon's Section 271 application for Pennsylvania where LSOG 2 was the interface tested (over the complaints of AT&amp;T that the audit should have tested LSOG 4). Pennsylvania 271 Order, ¶ 50 &amp; n. 199, Cottrell Reply Aff. ¶¶ 58-59.</p> <p><b>AIT:</b> Pre-ordering "generally includes those activities that a carrier undertakes to gather and verify the information necessary to place an order." Kansas &amp; Oklahoma 271 Order, ¶ 120. Ameritech Wisconsin offers CLECs two main electronic interfaces to access pre-ordering functions, which enable CLECs to access the same information from the same sources that Ameritech Wisconsin's retail operations use, and which also give CLECs additional functions not available to retail representatives. Cottrell Aff. ¶¶ 11, 71-74. Both interfaces respond in "real time" – that is, the CLEC representative can retrieve information while talking with an end user. Id. ¶ 72.</p> <p><b>AIT:</b> The first pre-order interface is EDI/CORBA, an industry standard gateway that can understand inquiries submitted in either of two languages (EDI and CORBA) promulgated by technical industry bodies. Id. ¶ 75. EDI/CORBA is an "application-to-application" interface: it allows a CLEC's electronic systems and software applications to communicate with their counterparts at Ameritech Wisconsin. Id. A CLEC can thus integrate the interface with its own electronic systems, and with the ordering interface described below. Id. And by using industry standard formats, Ameritech Wisconsin gives CLECs that operate in more than one region the opportunity to build to a relatively standard interface nationwide, rather than having to learn how to work with the individual systems of different BOCs. Id.</p> <p><b>AT&amp;T:</b> The integratability of the EID/CORBA pre-ordering interface with the EDI ordering interface relies on the Customer Service Record ("CSR") and other query responses to be</p>	
<b>2.1b.</b>	<p>(ii) 1b. Pre-Ordering A BOC must demonstrate that: (i) it offers nondiscriminatory access to OSS pre-ordering functions associated with determining whether a loop is capable of supporting xDSL advanced technologies; (ii) competing carriers successfully have built and are using application-to-application interfaces to perform pre-ordering functions and are able to integrate pre-ordering and ordering interfaces; and (iii) its pre-ordering systems provide reasonably prompt response times and are consistently available in a manner that affords competitors a meaningful opportunity to compete. (i) Access to Loop Qualification Information In accordance with the UNE Remand Order, the Commission requires incumbent carriers to provide competitors with access to all of the same detailed information about the loop that is available to the incumbents, and in the same time frame, so that a competing carrier can make an independent judgment at the pre-ordering stage about whether an end user loop is capable of supporting the advanced services equipment the competing carrier intends to install.</p>		

Item	Checklist Requirement <sup>1</sup>	Position Regarding Compliance	Nature of Dispute <sup>2</sup>
		<p>provided to CLECs according to parsed and fielded specifications. The LSOG 4 interfaces are not provided with sufficiently detailed specifications to enable CLECs to integrate pre-ordering data into order forms without manipulation of the data elements.</p> <p><b>AIT Response:</b> EDI / Common Object Request Broker Architecture ("CORBA"), is an industry-standard "real-time" pre-ordering gateway that utilizes two different protocols (EDI and CORBA) promulgated by the technical industry committees. EDI/CORBA is used to "front-end" (or overlay) Ameritech's OSS, preserving its commercially proven functionality, data content, and performance standards while allowing for an industry standard application-to-application interface that can be integrated with CLECs' own systems and that supports both resale services and unbundled network elements ("UNEs"). EDI/CORBA can also be integrated by the CLEC with Ameritech's EDI ordering gateway. Cottrell Aff ¶ 11.</p> <p><b>AT&amp;T:</b> The Ameritech Wisconsin pre-order query response times have been found to be untimely during moderate loads of transaction volumes in the OSS test being conducted by KPMG. The untimely response issue is described in detail in KPMG Exception 112.</p> <p><b>AIT:</b> Ameritech Wisconsin's second pre-order gateway is Enhanced Verigate, which was introduced for commercial use in March 2001 and which is modeled on the Verigate (Verification Gateway) interface used by Southwestern Bell. Id. ¶ 79. Enhanced Verigate is a Graphical User Interface. Instead of communicating with a CLEC's electronic systems the way an application-to-application interface would, Enhanced Verigate accepts commands from CLEC representatives working on computer screens, just like well-known personal computer programs do. Id. ¶ 78. It uses plain-English displays, and is based on the same design that is used for Internet web browsers. Id. ¶¶ 11, 79. This interface is thus suited for carriers (typically, smaller or newer CLECs) that do not have or wish to develop their own electronic systems and applications for pre-ordering. Id. ¶¶ 11, 78. At the same time, Enhanced Verigate gives CLECs access to the same information that is available through EDI/CORBA. Id. ¶ 74. Over 50 CLECs have already made commercial use of this interface. Id. ¶ 79.</p> <p><b>AT&amp;T:</b> Ameritech's GUIs have many problems and deficiencies. The systems and personnel supporting the GUIs are at times disorganized, at times poorly trained or informed, and generally provide inadequate support of AT&amp;T's use of the interfaces. Even though the GUI is an electronic interface, the "back office" systems behind the interface continue to be largely manual. AT&amp;T's service representatives are required to spend an inordinate amount of time on the phone manually working orders, obtaining statuses, or working trouble issues. AT&amp;T's experience using the GUIs has been and continues at times to be problematic. Ameritech's GUIs are not designed to support much more than a minimal number of CLECs placing nominal volumes of orders.</p> <p><b>AIT:</b> Both pre-order interfaces allow requesting carriers access to the same information and functions available to Ameritech Wisconsin's retail representatives (Id. ¶¶ 71-74), and to the same functions identified by the FCC in prior orders under section 271. A requesting carrier can thus verify the customer's address, look up the customer's service record and directory listings, find out what features and services are available to the customer, pick and reserve a telephone number, determine the need for a field dispatch to install service, obtain a due date for installation, and obtain information (such as the Network Channel Interface) for ordering unbundled access. Id. ¶ 70. What's more, requesting carriers have the ability to determine on-line whether the end user's loop will support DSL service (i.e., to obtain information on the loop's characteristics and "qualifications"). Id. ¶¶ 70, 74.</p>	

Item	Checklist Requirement <sup>1</sup>	Position Regarding Compliance	Nature of Dispute <sup>2</sup>
		<p><b>Norlight:</b> See response for checklist requirement 2.1a.</p> <p><b>CLECs:</b> SBC/Ameritech cannot meet Checklist Item 2 because of problems with LSO4 and LSO5, respectively. (See Cox Aff., ¶¶ 74-80, 85-86; Sprague Aff., ¶¶ 3-16).</p> <p><b>ATT Response:</b> McLeodUSA raise issues with the testing LSOG 5. We investigated those examples and determined that the problems did not affect connectivity since McLeodUSA was able to receive a Customer Service Inquiry ("CSI") response from Ameritech. The problem was that McLeodUSA did not completely understand the business rules to determine where each of the three fields could appear on the EDI transmission from Ameritech. Cottrell Reply Aff. ¶ 65.</p> <p><b>TDS MetroCom</b> is referring to orders where the GUI returns a message indicating Address not in Verigate. Mr. Cox is referring to the process where a CLEC attempts to verify an address via the Enhanced Verigate preorder interface prior to sending an order to Ameritech. If Enhanced Verigate cannot find the address in the Street Address Guide ("SAG") database, the interface returns a message to the CLEC indicating address not in Verigate. If the CLEC is sure that the address is correct, and it should be added to the SAG, they enter the address on the order in the "New Construction" field. Since the address cannot be found in the SAG, the order will drop for manual processing by the Local Service Center so that the address can be added to the database. Cottrell Reply Aff. ¶ 71.</p> <p><b>CLECs:</b> SBC/Ameritech's facilities database does not match the street address guide ("SAG"), which causes delays in the ordering and provisioning of new service to customers.</p> <p><b>CLECs:</b> KPMG's preordering testing is designed to identify problems with incorrect, unreliable, incomplete, or untimely responses to preordering queries that are the basis for CLEC interactions with customers and potential customers. Multiple deferred and open KPMG Exceptions and Observations demonstrate that SBC/Ameritech presently does not meet Checklist Item 2 because of extensive and continuing preordering problems. (See KPMG Exception Nos. 18, 29, 30, 38-39, 44, 48, 50, 67, 79-83, 87, 95-97, 99-100, 109-110, 112, 114, 116-118, 120-121, 123, 125-126, 130, 135-137, 139-142, and KPMG Observation Nos. 129, 242, 246, 270, 272, 283, 285, 357, 360-362, 364, 362-383, 387-389, 399-400, 404-406, 408-410, 417, 443, 445-447, 462, 475-476, 478, 482-486, 500, 502-504, 513-521, 527-529, 535, 540-544, 550-552, 558-560, 562-564).</p> <p><b>ATT Response:</b> Although many of the exceptions and observations noted above have been resolved, Ameritech will address performance issue during phase II of this proceeding.</p> <p><b>WCOM:</b> Note: WorldCom objects to being required to address access to OSS in this phase of the proceeding given the Commission's July 1, 2002 Order stating that it had decided that there will be at least two phases to this investigation, and that the "first phase will consist of identifying issues and contested facts and law in areas not related to Ameritech's provision of OSS and UNE[s]," and the "second phase will consider the progress of two contested case dockets, <i>Investigation Into Ameritech Wisconsin Operational Support Systems</i>, PSCW docket 6720-TI-160, dealing with the testing of the sufficiency and nondiscriminatory qualities of Ameritech's operational support systems (OSS), and <i>Investigation Into Ameritech Wisconsin's Unbundled Network Elements</i>, PSCW docket 6720-TI-161, addressing availability and pricing of Ameritech's unbundled network elements (UNEs)." (See July 1, 2002 Order at 2). WorldCom further objects on the basis that the July 1, 2002 Order confirms that the collaboratives scheduled for August 2002, for which this matrix is intended to provide a framework, "shall not discuss the merits of the OSS and UNE dockets."</p>	Factual, Legal, and OSS

Item	Checklist Requirement <sup>1</sup>	Position Regarding Compliance	Nature of Dispute <sup>2</sup>
		<p>(Id. at 3). Without waiving these objections, WorldCom specifically reserves its right to supplement this matrix in the future.</p> <p><b>AT&amp;T:</b> Ameritech's method for allowing CLECs access to directory listings is also discriminatory. Access to that listing is commonly referred to as "directory listing inquiries," which is a generally accepted pre-ordering inquiry. For its own retail customers Ameritech accesses its directory listings from its own databases as part of its customer service records. CLECs using UNE-P or resale access their customers' directory listings directly from Ameritech's databases via a pre-ordering EDI functionality. However, Ameritech does not provide directory-listing inquiries for facilities-based CLECs (e.g., CLECs entering the market via the UNE-loop entry strategy). Instead, CLECs that need access to these listings are required to process their inquiries through a separate EDI interface with AAS. Willard Aff. ¶¶ 100 – 102.</p> <p><b>AIT Response:</b> An enhancement was implemented in June 2001 in complete fulfillment of the directory listings ordering commitment made by Ameritech during PSCW-sponsored OSS collaboratives. With this enhancement, switch-based CLECs are able to access through Ameritech's EDI ordering interface all the same directory listings ordering functionality previously available only through AAS's EDI interface. Cottrell Reply Aff ¶¶ 43 – 57.</p> <p><b>Ameritech will be integrating some of the directory listings inquiry functionality provided by AAS's GUI listing inquiry interface into Ameritech's pre-ordering interface. That release is scheduled for implementation in August 2002. Cottrell Reply Aff ¶ 57.</b></p>	
<b>2.1c.</b>	<p>(II) 1c. Ordering Consistent with section 271(c)(2)(B)(ii), a BOC must demonstrate its ability to provide competing carriers with access to the OSS functions necessary for placing wholesale orders. As in prior section 271 orders, the Commission looks primarily at the applicant's ability to return order confirmation notices, order reject notices, order completion notices and jeopardies, and at its order flow-through rate.</p>	<p><b>AIT:</b> As with pre-ordering, Ameritech Wisconsin offers requesting carriers two alternative interfaces to submit local service requests. Cottrell Aff. ¶ 112. The first is an application-to-application interface based on Electronic Data Interchange ("EDI"), which can be used either on a stand-alone basis or coupled with the EDI/CORBA pre-order interface described above. Id. ¶ 114. In March 2001, Ameritech Wisconsin updated the EDI interface in accordance with version 4 of the Local Service Ordering Guidelines ("LSOG 4"), which are promulgated by the industry's Ordering and Billing Forum. Id. ¶¶ 114-115. The second order interface is Enhanced Local Exchange (Enhanced LEX), a Graphical User Interface modeled on Southwestern Bell's LEX system but enhanced so that requesting carriers can access it using a commercial Internet Web browser program. Id. ¶¶ 12 n.5, 120-21. Some carriers submit orders manually (e.g. by facsimile) through the Local Service Center. Id. ¶ 112; Brown Aff. ¶ 35.</p> <p><b>AT&amp;T:</b> Ameritech's GUIs have many problems and deficiencies. The systems and personnel supporting the GUIs are at times disorganized, at times poorly trained or informed, and generally provide inadequate support of AT&amp;T's use of the interfaces. Even though the GUI is an electronic interface, the "back office" systems behind the interface continue to be largely manual. AT&amp;T's service representatives are required to spend an inordinate amount of time on the phone manually working orders, obtaining statuses, or working trouble issues. AT&amp;T's experience using the GUIs has been and continues at times to be problematic. Ameritech's GUIs are not designed to support much more than a minimal number of CLECs placing nominal volumes of orders.</p> <p><b>AIT Response:</b> Upon receiving a local service request, Ameritech Wisconsin's order interface and systems check it for format and content. Cottrell Aff. ¶¶ 131-32. Requests that are improperly formatted, or that does not contain necessary data, are returned to the requesting carrier electronically with a rejection notice. Id. ¶¶ 132, 149. Once a properly formatted request passes the edit checks in the ordering interface, Ameritech Wisconsin provides the requesting carrier a notice confirming the receipt of a firm order. Id. ¶¶ 135, 146-</p>	

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		<p>147. This notice is commonly referred to as a "Firm Order Confirmation" or "FOC." Id. ¶ 135. The request is then translated from its industry standard format to the internal language used and understood by Ameritech Wisconsin's provisioning systems, which coordinate the activities involved in filling the order. Id. ¶¶ 134-35, 140. When provisioning is complete, Ameritech Wisconsin sends a notice of completion to the requesting carrier, and a "loss notification" to the end user's previous carrier if applicable. Id. ¶¶ 145, 156. The above status notices (with the exception of loss notifications) are unique to the wholesale environment. Id. ¶ 145. They reflect the fact that requesting carriers, unlike retail personnel, access Ameritech Wisconsin's systems through standard interfaces. Id.; Ehr Aff. ¶ 85. Thus, the performance standards for these notices are not based on a direct "parity" test (because there is no direct retail analog) but are designed to afford efficient competitors a meaningful opportunity to compete. Id.</p> <p>AT&amp;T: Ameritech's directory listing ordering process discriminates against facilities based CLECs. If a CLEC directory order involves resale service or UNE-P services, the CLEC integrates its directory listing order with the LSR and Ameritech processes that order via one interface – i.e., all completion notices, rejects, etc. are sent by Ameritech to the CLEC electronically over the same EDI interface by which the CLEC sends it directory order. The same holds true for Ameritech's retail directory listing orders. On the other hand, when a facilities-based CLEC places a directory order with Ameritech, all responses (e.g., completion notices, rejects, and edits) are provided from AAS via fax, phone, or email. Thus, the facilities-based CLEC must maintain a separate manual interface for these responses. Willard Aff. ¶¶ 93 – 99.</p> <p>AIT Response: An enhancement was implemented in June 2001 in complete fulfillment of the directory listings ordering commitment made by Ameritech during PSCW-sponsored OSS collaboratives. With this enhancement, switch-based CLECs are able to access through Ameritech's EDI ordering interface all the same directory listings ordering functionality previously available only through AAS's EDI interface. Cottrell Reply Aff. ¶¶ 43 – 57. Ameritech will be integrating some of the directory listings inquiry functionality provided by AAS's GUI listing inquiry interface into Ameritech's pre-ordering interface. That release is scheduled for implementation in August 2002. Cottrell Reply Aff. ¶ 57.</p> <p>AIT: Upon receiving a local service request, Ameritech Wisconsin's order interface and systems check it for format and content. Cottrell Aff. ¶¶ 131-32. Requests that are improperly formatted, or that do not contain necessary data, are returned to the requesting carrier electronically with a rejection notice. Id. ¶¶ 132, 149. Once a properly formatted request passes the edit checks in the ordering interface, Ameritech Wisconsin provides the requesting carrier a notice confirming the receipt of a firm order. Id. ¶¶ 135, 146-147. This notice is commonly referred to as a "Firm Order Confirmation" or "FOC." Id. ¶ 135. The request is then translated from its industry standard format to the internal language used and understood by Ameritech Wisconsin's provisioning systems, which coordinate the activities involved in filling the order. Id. ¶¶ 134-35, 140. When provisioning is complete, Ameritech Wisconsin sends a notice of completion to the requesting carrier, and a "loss notification" to the end user's previous carrier if applicable. Id. ¶¶ 145, 156. The above status notices (with the exception of loss notifications) are unique to the wholesale environment. Id. ¶ 145. They reflect the fact that requesting carriers, unlike retail personnel, access Ameritech Wisconsin's systems through standard interfaces. Id.; Ehr Aff. ¶ 85. Thus, the performance standards for these notices are not based on a direct "parity" test (because there is no direct retail analog) but are designed to afford efficient competitors a meaningful opportunity to compete. Id.</p>	

**Notlight:** See response for checklist requirement 2.1a.

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		<p><b>CLECs:</b> SBC/Ameritech cannot meet Checklist Item 2 because of problems with LSOG4 and LSOG5, respectively. (See Cox Aff., ¶¶ 74-80, 85-86; Sprague Aff., ¶¶ 3-16).</p> <p><b>CLECs:</b> SBC/Ameritech also cannot meet Checklist Item 2 because of problems related to WEB-LEX. (See Jones Aff., ¶¶ 11-17).</p> <p><b>AIT Response:</b> CLEC's raise performance related issues and these will be addressed during Phase II of this proceeding once KPMG complete their independent test.</p> <p><b>CLECs:</b> SBC/Ameritech also continues to have problems with electronic orders placed by CLECs that do not "flow through" at an acceptable rate. (See Cox Aff., ¶¶ 87-88; Jones Aff., ¶¶ 11-17).</p> <p><b>AIT Response:</b> Ameritech has made it very clear which orders, if correctly submitted to Ameritech, will flow-through Ameritech's systems without any manual intervention. Ameritech has shared with the CLECs and the PSCW the "Flow-through and Exceptions" document that clearly states which orders will flow-through Ameritech's systems. A current copy of "Flow-through and Exceptions" document can be found on the Ameritech CLEC web site at <a href="https://clec.sbc.com/cmp/cmp.cfm">https://clec.sbc.com/cmp/cmp.cfm</a>. In addition, Ameritech is working with CLECs on a 24-month flow-through initiative to improve its flow-through capabilities based on direct input from CLECs, which AT&amp;T is an active participant. Clottrill Reply Aff ¶¶67-70. Performance of the GUI is a phase II issue and will be addressed later when the results from KPMG's audit are final.</p> <p><b>CLECs:</b> SBC/Ameritech's lack of a change of ownership process for CLECs creates ordering problems for CLECs. (See Bowers Aff., ¶¶ 4-5).</p> <p><b>CLECs:</b> KPMG's ordering testing is designed to determine whether SBC/Ameritech's OSS provides responses to submitted orders that are timely, reliable, complete, and correct. Multiple deferred and open KPMG Exceptions and Observations demonstrate that SBC/Ameritech currently does not meet Checklist Item 2 because of significant and continuing ordering problems. (See KPMG Exception Nos. 12, 18, 29, 30, 38-39, 44, 48, 50, 67, 79-83, 87, 95-97, 99-100, 109-110, 112, 114, 116-118, 120-121, 123, 125-126, 130, 135-137, 139-142, and KPMG Observation Nos. 129, 242, 246, 270, 272, 283, 285, 357, 360-362, 364, 382-383, 387-389, 399-400, 404-406, 408-410, 417, 443, 445-447, 462, 475-476, 478, 482-486, 500, 502-504, 513-521, 527-529, 535, 540-544, 550-552, 558-560, 562-564).</p> <p><b>AIT Response:</b> Although many of the exceptions and observations noted above have been resolved, Ameritech will address performance issue during phase II of this proceeding.</p> <p><b>AIT Response:</b> CLEC's raise performance related issues and these will be addressed during Phase II of this proceeding once KPMG complete their independent test.</p> <p><b>WCOM:</b> Note: WorldCom objects to being required to address access to OSS in this phase of the proceeding given the Commission's July 1, 2002 Order stating that it had decided that there will be at least two phases to this investigation, and that the "first phase will consist of identifying issues and contested facts and law in areas not related to Ameritech's provision of OSS and UNE[s]." and the "second phase will consider the progress of two contested case dockets, <i>Investigation Into Ameritech Wisconsin Operational Support Systems</i>, PSCW docket 6720-TI-160, dealing with the testing of the sufficiency and nondiscriminatory qualities of Ameritech's operational support systems (OSS), and <i>Investigation Into Ameritech Wisconsin's Unbundled Network Elements</i>, PSCW docket 6720-TI-161, addressing</p>	Factual, Legal, and OSS

Item	Checklist Requirement <sup>1</sup>	Position Regarding Compliance	Nature of Dispute <sup>2</sup>
2.1d.	(ii) 1d. Provisioning A BOC must provision competing carriers' orders for resale and UNE-P services in substantially the same time and manner as it provisions orders for its own retail customers.	<p>availability and pricing of Ameritech's unbundled network elements (UNEs)." (See July 1, 2002 Order at 2). WorldCom further objects on the basis that the July 1, 2002 Order confirms that the collaboratives scheduled for August 2002, for which this matrix is intended to provide a framework, "shall not discuss the merits of the OSS and UNE dockets." (Id. at 3). Without waiving these objections, and specifically reserving its right to supplement this matrix in the future, WorldCom states as follows:</p> <p><b>WCOM:</b> As noted above, WorldCom has detected a spike in the number of missing notifiers, which is likely caused by excessive manual handling of orders. (Lichtenberg Aff. ¶¶ 6(a), 8-22). WorldCom has also identified order flow-through problems (Id. at ¶¶ 23-30). Ameritech Wisconsin's systems are also precluding orders for line splitting, despite the PSCW's findings in the AT&amp;T/Ameritech arbitration (05-MA-120) requiring Ameritech Wisconsin to permit line splitting. (Id. at ¶¶ 31-39). (Factual; Legal; OSS)</p> <p><b>AT&amp;T:</b> The Ameritech Wisconsin order processing systems are largely manual processes that become fraught with errors in accepting orders that should be rejected, and rejecting orders that should be accepted. KPMG's testing has brought these frailties to light. Ameritech Wisconsin has consistently failed to provide timely and accurate line loss notifiers and order completion notices to CLECs.</p> <p><b>AIT Response:</b> Ameritech has resolved AT&amp;T's line loss notification problems. (Brown, ¶ 3)</p> <p><b>AIT Response:</b> Ameritech Wisconsin conducted a root cause analysis of missing line loss notifications. The analysis revealed: 1) Some Ameritech Wisconsin service reps were typing in Winback telephone numbers in MOR/Tel after service order completion which prevented the line loss notification from being generated. All service reps processing Winback service orders were retrained and the problem was resolved. 2) For CLEC to CLEC migration service orders, Ameritech Wisconsin service reps failed to enter all required information into MOR/Tel which prevented the line loss notification from being generated. All service reps processing CLEC to CLEC migration service orders were retrained and the problem was resolved. 3) If an Ameritech Wisconsin service rep does not enter the correct ZULS and NOCN field identifier ("FID") on a UNE-P order, the system will send the line loss notification to the wrong CLEC or not at all. This was a problem, however, group discussions with service reps and additional training were provided and the problem was resolved. A Quality Control for UNE-P order processing was also formed to verify the accuracy of ZULS and NOCN FIDs. (Brown ¶¶ 4-14)</p> <p><b>AIT Response:</b> Ameritech is not aware of any new issues that prevent line loss notifiers from being sent to CLEC. Ameritech implement its last corrective enhancement on June 3, 2002. Since that time, Ameritech has monitored the line loss performance and data indicates that 99% of all line loss notifications are now being sent correctly and in a timely manner (within 24 hours of completion). Cottrell Reply Aff. ¶¶ 3-20.</p> <p><b>AIT:</b> Ameritech Wisconsin is subject to a paucity of performance standards designed to ensure its continued timely and accurate provisioning of carrier orders. First, in accordance with the Michigan 271 Order (¶¶ 166, 212), Ameritech Wisconsin measures the average installation intervals for resale, unbundled loops and other unbundled network elements, and interconnection. Ehr Aff. ¶¶ 62, 118, 173-174, 193, 198, 243-245. Consistent with the FCC's view that "Ameritech can and should disaggregate its data to account for the impact different types of services may have on the average installation interval" (Michigan 271 Order, ¶ 170), Ameritech Wisconsin reports intervals separately based on product type, customer (business or residential), geographic area, and by whether completing the order requires dispatch of a field technician. Ehr Aff. ¶ 244. Ameritech Wisconsin also measures the percentage of</p>	

Item	Checklist Requirement <sup>1</sup>	Position Regarding Compliance	Nature of Dispute <sup>2</sup>
		<p>installations completed within benchmark intervals (the same as those approved in the Texas 271 Order), the percentage completed by the due date, and the average delay for orders not completed by the due date (the "held order" measurement that the FCC directed section 271 applicants to report in its Michigan 271 Order, ¶ 212). Ehr Aff. ¶¶ 27, 119-125. To address provisioning accuracy (Michigan 271 Order, ¶ 212), Ameritech Wisconsin measures the rate of installations for which "trouble" is reported within 30 days of installation, and it also compares the features on mechanized orders to the features installed and recorded in the customer database. Ehr Aff. ¶¶ 28-29, 127-129.</p> <p><b>Norlight:</b> See response for checklist requirement 2.1a.</p> <p><b>CLECs:</b> SBC/Ameritech also fails to meet Checklist Item 2 because of its continual provisioning problems. (See Cox Aff., ¶¶ 94-95; Jones Aff., ¶¶ 5-6, 8, 10).</p> <p><b>CLECs:</b> SBC/Ameritech is building its network with fiber to the curb, which essentially causes "no facilities available" delays for CLECs needing copper loops.</p> <p><b>CLECs:</b> KPMG's provisioning testing is designed to determine the accuracy of SBC/Ameritech's provisioning of orders for resale, UNE-P, and interconnection products and services. Multiple deferred and open KPMG Exceptions and Observations demonstrate that SBC/Ameritech currently does not meet Checklist Item 2 because of continuing provisioning problems. (See KPMG Exception Nos. 31-37, 52, 74, 76, 84-86, 93-94, 104-107, 128, 138, and KPMG Observation Nos. 289, 337, 422-424, 464 and 474).</p> <p><b>TWTC:</b> SBC/Ameritech fails to meet this checklist item because of its continual provisioning problems on special access services, which are the functional equivalent of UNEs. (See Sherwood Aff., ¶¶ 16-21; Kagele Aff., ¶¶ 6-30).</p> <p><b>WCOM:</b> Note: WorldCom objects to being required to address access to OSS in this phase of the proceeding given the Commission's July 1, 2002 Order stating that it had decided that there will be at least two phases to this investigation, and that the "first phase will consist of identifying issues and contested facts and law in areas not related to Ameritech's provision of OSS and UNE[s]," and the "second phase will consider the progress of two contested case dockets. <i>Investigation Into Ameritech Wisconsin Operational Support Systems</i>, PSCW docket 6720-TI-160, dealing with the testing of the sufficiency and nondiscriminatory qualities of Ameritech's operational support systems (OSS), and <i>Investigation Into Ameritech Wisconsin's Unbundled Network Elements</i>, PSCW docket 6720-TI-161, addressing availability and pricing of Ameritech's unbundled network elements (UNEs)." (See July 1, 2002 Order at 2). WorldCom further objects on the basis that the July 1, 2002 Order confirms that the collaboratives scheduled for August 2002, for which this matrix is intended to provide a framework, "shall not discuss the merits of the OSS and UNE dockets." (<i>Id.</i> at 3). Without waiving these objections, and specifically reserving its right to supplement this matrix in the future, WorldCom states as follows:</p> <p><b>WCOM:</b> Orders continue to be provisioned with incorrect features, or with features that were never ordered. Switch translation problems are frequent. Also, WCOM is experiencing situations where long distance and intralata traffic is not routed to the proper carrier. These issues have been identified by KPMG in its June 18, 2002 Interim Report to the Illinois Commerce Commission. (WorldCom Initial Comments, Exh.3 (KPMG Report, Exception 35; Observation 464); Lichtenberg Aff. ¶¶ 6(c), 8(d), 8-21, 40-56). (Factual; Legal; OSS)</p>	<p>Factual, Legal, and OSS</p> <p>Factual and Legal</p>



Item	Checklist Requirement <sup>1</sup>	Position Regarding Compliance	Nature of Dispute <sup>2</sup>
2.1e.	(II) 1e. Maintenance and Repair A competing carrier that provides service through resale or UNEs remains dependent upon the incumbent LEC for maintenance and repair. Thus, as part of its obligation to provide nondiscriminatory access to OSS functions, a BOC must provide requesting carriers with nondiscriminatory access to its maintenance and repair systems.	<p><b>AIT Response:</b> performance of Ameritech's OSS is a Phase II issue that will be addressed after KPMG issues its report and Ameritech Wisconsin's performance data is placed into the record for comment by all parties.</p> <p><b>AIT:</b> As with the other OSS functions, Ameritech Wisconsin offers two alternative methods by which a requesting carrier may electronically report trouble and request maintenance: (1) Electronic Bonding &amp; Trouble Administration ("EBTA"), an industry standard application-to-application interface method, and (2) a Graphical User Interface known as EBTA GUI. Cottrell Aff. ¶¶ 183, 186, 191. CLECs may also contact Ameritech Wisconsin's Local Operations Center (which is responsible for maintenance issues). Id. ¶ 183. The service representative will then access Ameritech Wisconsin's electronic systems. Brown Aff. ¶¶ 102-103</p> <p><b>AIT:</b> EBTA GUI allows carriers to perform the same functions that Ameritech Wisconsin's retail operations perform. Cottrell Aff. ¶¶ 184-186. Among other things, requesting carriers can (1) issue trouble reports, (2) conduct a mechanized loop test, (3) determine the status of a previous trouble report, (4) view a list of open trouble reports, and (5) view a list of reports closed within the last 30 days. Id. ¶ 185. The alternative interface, EBTA, enables carriers to perform all but the last two functions (id.); however, as the FCC found in the Texas 271 Order (¶ 203 n.565), "a BOC is not required, for the purpose of satisfying checklist item 2, to implement an application-to-application interface for maintenance and repair functions – provided it demonstrates that it provides equivalent access . . . in another manner" as Ameritech Wisconsin does via EBTA GUI. Ameritech Wisconsin's performance standards require nondiscrimination in the timeliness (e.g., mean time to restore service, percentage "out of service" cleared within 24 hours, and missed repair commitments) as well as the quality of repair work (measured by the rate of "repeat" trouble reports). Ehr Aff. ¶¶ 130-134, 138. The rate of trouble reports, which may indicate the underlying quality of network facilities, is also subject to a parity standard. Id. ¶ 137.</p> <p><b>Norlight:</b> See response for checklist requirement 2.1a.</p> <p><b>CLECs:</b> SBC/Ameritech cannot meet Checklist Item 2 because of its improper and discriminatory assessment of trouble isolation charges. (See Cox Aff., ¶¶ 68-73; McNally Aff., ¶¶ 3-8; Jones Aff., ¶¶ 7, 9).</p> <p><b>AIT Response:</b> CLECs were seeing more TIC charges because when SBC/Ameritech performed an analysis of CLEC concerns it was determined that some technicians were not billing for work done when it was appropriate. This concern was addressed through retraining of technicians. (See Muhs Reply Comments, ¶¶ 32-40)</p> <p><b>CLECs:</b> SBC/Ameritech also fails to meet Checklist Item 2 because of the numerous problems that exist with its EBTA GUI. (See Cox Aff., ¶¶ 81-84).</p> <p><b>CLECs:</b> Numerous other problems exist with SBC/Ameritech's maintenance and repair functions. (See Bowers Aff., ¶ 4; Jones Aff., ¶ 9).</p> <p><b>CLECs:</b> SBC/Ameritech has not replaced all the old protectors with network interface devices ("NIDs") and/or NIDs improperly are located for access, which creates multiple problems for CLEC troubleshooting.</p> <p><b>AIT Response:</b> While the absence of a NID does cause some troubleshooting problems for a CLEC, AIT has the same problem in its retail operations. Most customers have NIDs, but where a NID is not present Ameritech will install one, free of charge, at the CLECs request. Customers, retail or CLEC, are not charged for trouble isolation where no NID exists. (See</p>	Factual, Legal, and OSS

Item	Checklist Requirement <sup>1</sup>	Position Regarding Compliance	Nature of Dispute <sup>2</sup>
		<p>Muhs Reply Comments, ¶¶ 32-40)</p> <p><b>CLECs:</b> Some SBC/Ameritech technicians do not treat CLECs as customers, but treat them as competitors, which may result in anti-competitive behavior. End users even have been advised to have CLECs resolve problems that are in SBC/Ameritech's network. Other examples include SBC/Ameritech technicians being rude to CLEC customers and technicians.</p> <p><b>CLECs:</b> KPMG's testing of SBC/Ameritech's maintenance and repair functions are designed to determine whether SBC/Ameritech is providing nondiscriminatory maintenance and repair services to CLECs and their end users. Multiple deferred and open KPMG Exceptions and Observations demonstrate that SBC/Ameritech presently does not meet Checklist Item 2 because of continuing maintenance and repair problems. (See KPMG Exception Nos. 77, 111, 115, 131-132, and KPMG Observation Nos. 316, 414 and 452).</p> <p><b>CLECs:</b> SBC/Ameritech also cannot meet Checklist Item 2 because it continually fails to notify, communicate with, and respond to CLECs in a timely manner when outages occur.</p> <p><b>TWTC:</b> SBC/Ameritech's chronic problems with its service and/or outages and its improper and discriminatory assessment of trouble isolation charges for special access services that are equivalent to UNEs also render it unable to meet Checklist Item 2. (See Sherwood Aff., ¶¶ 9-15).</p> <p><b>WCOM:</b> Note: WorldCom objects to being required to address access to OSS in this phase of the proceeding given the Commission's July 1, 2002 Order stating that it had decided that there will be at least two phases to this investigation, and that the "first phase will consist of identifying issues and contested facts and law in areas not related to Ameritech's provision of OSS and UNE[s]," and the "second phase will consider the progress of two contested case dockets, <i>Investigation Into Ameritech Wisconsin Operational Support Systems</i>, PSCW docket 6720-TI-160, dealing with the testing of the sufficiency and nondiscriminatory qualities of Ameritech's operational support systems (OSS), and <i>Investigation Into Ameritech Wisconsin's Unbundled Network Elements</i>, PSCW docket 6720-TI-161, addressing availability and pricing of Ameritech's unbundled network elements (UNEs)." (See July 1, 2002 Order at 2). WorldCom further objects on the basis that the July 1, 2002 Order confirms that the collaboratives scheduled for August 2002, for which this matrix is intended to provide a framework, "shall not discuss the merits of the OSS and UNE dockets." (Id. at 3). Without waiving these objections, and specifically reserving its right to supplement this matrix in the future, WorldCom states as follows:</p> <p><b>WCOM:</b> As referenced above, in its Interim Report in Illinois, KPMG noted that SBC Ameritech's end-to-end maintenance and repair process does not ensure that trouble reports are handled consistently, accurately and completely. (WorldCom Initial Comments, Exh. 3 (KPMG Interim Report at 8)). (Factual; Legal; OSS)</p>	Factual and Legal
<b>2.1f.</b>	<b>(ii) 1f. Billing</b> Consistent with prior section 271 orders, a BOC must demonstrate that it provides competing carriers with complete and accurate reports on the service usage of competing carriers' customers in substantially the same time and manner that a BOC provides such information to itself, and with wholesale bills in a manner that gives competing carriers a meaningful opportunity to compete.	<p><b>AIT:</b> Ameritech Wisconsin uses a single, integrated regional system to process usage data for retail, resale, and UNE-P customers. Kagan Aff. ¶ 17. That system provides Daily Usage Files, extracted from the usage processing system, to CLECs for use in billing their end users and other carriers. Id. ¶¶ 20-21. CLECs can choose to receive the file via magnetic tape or electronically over data lines in industry-standard format. Id. ¶ 21. Ameritech Wisconsin's performance standards (PM 19) require it to issue 95 percent of usage files within 6 business days (Ehr Aff. ¶¶ 139-140), a standard that is identical to the one the FCC has previously approved as an "appropriate measure of SWBT's [Southwestern Bell's] ability to provide competing carriers with usage data in substantially the same time and manner that SWBT provides such information to itself." Texas 271 Order, ¶ 211. Ameritech Wisconsin's</p>	

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		<p>performance standards (PM 16) also require that 95 percent of usage files be transmitted correctly, that is, in a complete and correctly formatted file. Ehr Aff. ¶ 141 &amp; Attachment A.</p> <p>AIT: Ameritech Wisconsin also issues monthly bills to carriers. Its performance standards (PM 18) require parity in the percentage of wholesale bills issued within the sixth business day after the bill cutoff date. Ehr Aff. ¶ 142. Monthly bills for resellers are subject to quality control and testing procedures that go beyond those used for retail bills. Kagan Aff. ¶ 40. On each billing date (there are at least ten billing cycles each month) Ameritech Wisconsin representatives review bills for completeness and format. Id. Monthly, Ameritech Wisconsin tests a sample of items to ensure that the rates for each product or service have been properly applied. Id. Ameritech Wisconsin's performance measurement plan sets a standard of nondiscrimination between monthly test results for wholesale and retail bills. Ehr Aff. ¶ 143. These performance measurements meet the FCC's request, in its Michigan 271 Order (¶ 212), for measures of bill quality and accuracy.</p> <p>AIT: The Local Service Centers have devoted a special Error Corrections team to resolve errors identified in the billing process, so that orders are posted before the billing cut-off (thus preventing double-billing, the concern expressed in the Michigan 271 Order, ¶¶ 200-203). Brown Aff. ¶ 48. Team members review daily work lists of pending orders that have such error conditions to identify priorities and ensure timely resolution. Id. Ameritech Wisconsin backs these commitments with its performance measurement plan, which requires nondiscrimination between wholesale and retail, both in the average time to clear service orders in the billing process, and in the percentage of service orders that post within the billing cycle. Ehr Aff. ¶¶ 107, 143.</p> <p><b>Norlight:</b> See response for checklist requirement 2.1a.</p> <p><b>CLECs:</b> SBC/Ameritech also does not meet Checklist Item 2 because it continually provides CLECs with inaccurate, improper, and untimely bills. (See Cox Aff., ¶¶ 18-25, 89-90; Dentmeyer Aff., ¶¶ 3-5; Burke Aff., ¶¶ 4-5; Bowers Aff., ¶¶ 4-5).</p> <p><b>CLECs:</b> SBC/Ameritech also does not timely process billing disputes.</p> <p><b>CLECs:</b> SBC/Ameritech's billing systems must be in sync with regulatory requirements, policy changes, the Change Management Process ("CMP"), and other systems, such as its trouble system, in order to bill accurately. It appears these systems do not always talk or sync with each other and require constant monitoring and reconciliation by CLECs. Billing disputes are common and constitute the norm instead of the exception.</p> <p><b>CLECs:</b> KPMG's testing of SBC/Ameritech's wholesale billing functions are designed to determine whether wholesale bills are timely issued, accurate, and complete. Multiple deferred and open KPMG Exceptions and Observations demonstrate that SBC/Ameritech presently does not meet Checklist Item 2 because of frequent and continuing billing problems. (See KPMG Exception Nos. 119, 122, 127, and KPMG Observation Nos. 248-249, 286-287, 294, 319, 345-347, 351, 371, 375, 377, 419, 449, 463, 479, 487, 522, and 553).</p> <p><b>WCOM:</b> Note: WorldCom objects to being required to address access to OSS in this phase of the proceeding given the Commission's July 1, 2002 Order stating that it had decided that there will be at least two phases to this investigation, and that the "first phase will consist of identifying issues and contested facts and law in areas not related to Ameritech's provision of OSS and UNE[s]," and the "second phase will consider the progress of two contested case dockets, <i>Investigation Into Ameritech Wisconsin Operational Support Systems</i>, PSCW docket</p>	Factual, Legal, and OSS

Item	Checklist Requirement <sup>1</sup>	Position Regarding Compliance	Nature of Dispute <sup>2</sup>
		<p>6720-TI-160, dealing with the testing of the sufficiency and nondiscriminatory qualities of Ameritech's operational support systems (OSS), and <i>Investigation Into Ameritech Wisconsin's Unbundled Network Elements</i>, PSCW docket 6720-TI-161, addressing availability and pricing of Ameritech's unbundled network elements (UNEs)." (See July 1, 2002 Order at 2). WorldCom further objects on the basis that the July 1, 2002 Order confirms that the collaboratives scheduled for August 2002, for which this matrix is intended to provide a framework, "shall not discuss the merits of the OSS and UNE dockets." (<i>Id.</i> at 3). Without waiving these objections, and specifically reserving its right to supplement this matrix in the future, WorldCom states as follows:</p> <p><b>WCOM:</b> According to the KPMG Interim Report, Ameritech still has not satisfied several criteria relating to accurate and timely wholesale billing for UNE-P. There are still open observations and exceptions. This will be an important issue in Phase 2 of this proceeding as Ameritech is obligated to provide timely and accurate wholesale bills. (WorldCom Initial Comments, Exh. 3 (KPMG Interim Report at 67-68)). Additionally, WorldCom expressly reserved its right to file an affidavit regarding Ameritech Wisconsin's billing systems once it had sufficient data from its local launch to address flaws therein. (WorldCom Initial Comments at 19-20). (Factual; Legal; OSS)</p> <p><b>AT&amp;T:</b> Ameritech is incorrectly sending AT&amp;T monthly recurring charges as well as non-recurring charges as "intraLATA" and "intraState" rather than "Local" on CABS bills. The implementation of CABS billing for UNE-P services was required according to the POR. Ameritech Wisconsin's implementation was problematic and the problems continue to this day as detailed in testing results provided by KPMG.</p> <p><b>AIT Response:</b> Ameritech Wisconsin's Billing team makes every effort to provide accurate and timely bills to CLECs. When billing disputes arise, Ameritech Wisconsin provides CLECs an efficient method of resolution. (Brown, ¶ 39)</p>	
2.1g.	<p>(ii) 1g. <b>Change Management Process</b> The change management process refers to the methods and procedures that the BOC employs to communicate with competing carriers regarding the performance of, and changes in, the BOC's OSS. Such changes may include updates to existing functions that impact competing carrier interface(s) upon a BOC's release of new interface software; technology changes that require competing carriers to meet new technical requirements upon a BOC's software release date; additional functionality changes that may be used at the competing carrier's option, on or after a BOC's release date for new interface software; and changes that may be mandated by regulatory authorities. UNE Combinations Section 251(c)(3) requires an incumbent LEC to "provide, to any requesting telecommunications carrier . . . nondiscriminatory access to network elements on an unbundled basis at any technically feasible point on rates, terms and conditions that are just, reasonable, and nondiscriminatory." Pricing of Network Elements. " Section 252(d)(1) requires that a state commission's determination of the just and reasonable rates for network elements shall be based on the cost of providing the network elements, shall be nondiscriminatory, and may include a reasonable profit. Pursuant to this statutory mandate, the Commission has determined that prices for UNEs must be based on the total element long run incremental cost (TELRIC) of</p>	<p>AIT: "Change management" refers to "the methods and procedures that the BOC employs to communicate with competing carriers regarding the performance of and changes in the BOC's OSS system." New York 271 Order, ¶ 110. Periodic changes to OSS "may include operations updates to existing functions that impact competing carrier interface(s) upon a BOC's release of new interface software; technology changes that require competing carriers to meet new technical requirements upon a BOC's software release date; additional functionality changes that may be used at the competing carrier's option, on or after a BOC's release date for new interface software; and changes that may be mandated by regulatory authorities." <i>Id.</i> The FCC has identified the following elements of a change management plan that give an efficient competitor a meaningful opportunity to compete (<i>id.</i> ¶ 111): (1) evidence of competing carrier input in the design and continued operation of the change management process; (2) the memorialization of the change management process in a basic document; (3) the availability of a separate forum for change management disputes; and (4) the availability of a stable testing environment that mirrors production. Ameritech Wisconsin's change management plan is modeled on plans approved by the FCC for Texas, Kansas, Oklahoma, Arkansas, and Missouri, and reflects further input from CLECs and state commissions throughout the Southwestern Bell and Ameritech regions. As we show below it comprises all four of the elements of a successful plan. Moreover, Ameritech Wisconsin's plan gives requesting carriers an extra layer of protection by means of "versioning," which allows carriers to continue using previous OSS software while making the transition to the latest version.</p> <p><b>AT&amp;T:</b> The FCC has also stated that it requires the RBOC to demonstrate that it adheres to the CMP over time. [See: <i>Application by SBC Communications Inc., Southwestern Bell Tel.</i></p>	

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	providing those elements.	<p><i>Co, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance Pursuant to Section 271 of the Telecommunications Act of 1996 to provide In-Region, InterLATA Services in Arkansas and Missouri, Memorandum Opinion and Order, CC Docket No. 01-194, FCC 01-338 (Rel. Nov. 16, 2001) at ¶ 40.] The LSOG 4 implementation did not comport with the Ameritech Wisconsin CMP.</i></p> <p>AIT: Competing Carrier Input. Ameritech Wisconsin's change management plan ("CMP") reflects 13 months of negotiations with CLECs throughout the 13-State SBC/Ameritech service area, conducted pursuant to the FCC's merger conditions. Cottrell Aff. ¶ 199. It was submitted to the FCC at the conclusion of the Uniform and Enhanced OSS collaborative. Id. No CLEC disputed or sought to arbitrate any provision of the CMP at the federal level.</p> <p>AIT: The 13-state CMP provides milestones and a timeline for the change or "release" process for both application-to-application interfaces and GUIs. Id. ¶ 200-203, 206. It includes multiple avenues for CLEC input on an ongoing basis throughout the change process, starting with periodic Change Management Meetings between CLEC and Ameritech Wisconsin personnel (id. ¶¶ 222-228), where CLECs can suggest and discuss improvements to OSS they deem useful. CLECs can also submit suggested changes outside the meeting. Id. ¶¶ 207, 227. CLEC participation continues during the development and implementation of an OSS change, which typically includes the following procedures (id. ¶¶ 202, 206):</p> <ul style="list-style-type: none"> <li>• A "12-month view" that summarizes OSS changes for the coming year, and is updated each quarter;</li> <li>• Release Announcements, in which Ameritech Wisconsin describes each individual proposed change at a high level;</li> <li>• Initial Requirements, describing the proposed change in detail;</li> <li>• Walk-through discussions between the parties' technical experts to discuss the Initial Requirements, followed by a CLEC comment period;</li> <li>• Final Requirements, describing changes (if any) that result from the walk-through and comment phases;</li> <li>• CLEC joint testing (described in more detail below); and</li> <li>• Implementation.</li> </ul> <p>AIT: The 13-state CMP has been codified in a comprehensive document that was filed in the FCC Uniform and Enhanced OSS collaborative, and is posted on the CLEC web site. Cottrell Aff. ¶ 199. It contains detailed timelines and procedures for changes, tailored to the type of interface involved (for example, application-to-application interfaces require CLECs to build and update their own systems to mesh with the interface, so the time frame for changes to such interfaces is longer than for GUIs). Id. ¶¶ 201-202, 206. Ameritech Wisconsin's compliance with those timelines is enforced by Performance Measure MI-15. Ehr Aff. ¶¶ 149-150.</p> <p>AIT: Dispute Resolution Procedures. As described above, Ameritech Wisconsin's change management plan itself reflects CLEC input, and it provides for continuing CLEC input and testing on future OSS changes. This gives CLECs the means to both discover and voice any legitimate concerns with a proposed OSS change. To the extent such concerns are not resolved in the walk-through, comment, and testing phases, the CMP contains its own mechanism for dispute resolution. Cottrell Aff. ¶¶ 208-212. This Outstanding Issue Solution procedure allows a CLEC or CLECs to call for a discussion and vote – by CLECs alone (Ameritech Wisconsin does not have a vote) – of the issue raised. Id. ¶¶ 209-211. If a quorum (at most 8 CLECs) is present, and if a majority of that quorum votes against the proposed OSS release, they can delay, modify or even block the release. This "go-no go" vote is substantially identical to the procedure the FCC ordered in its <i>Texas 371 Order</i>, ¶¶ 11</p>	

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		<p>substantially identical to the procedure the FCC endorsed in its Texas 271 Order (¶¶ 11, 116).</p> <p>AIT: Joint testing describes the process by which Ameritech Wisconsin and CLECs test proposed OSS changes before they go into "production" – that is, before they are implemented for commercial use. Cottrell Aff. ¶¶ 56, 213. In January 2001, Ameritech Wisconsin implemented a new test environment (a set of programs designed to process transactions, such as orders, the same way the real-world OSS will process them when the proposed change is implemented) for testing the March 2001 OSS enhancements and future OSS changes. Cottrell Aff. ¶ 56. The test environment is also available between OSS changes, to help CLECs that are just starting out on an interface or that wish to conduct testing for any other purpose. Id. ¶¶ 56, 213-216.</p> <p>AIT: The test environment is modeled on the one approved by the FCC in the Texas 271 Order (¶ 134) and in the Kansas &amp; Oklahoma 271 Order (¶ 168). Cottrell Aff. ¶ 56. Ameritech Wisconsin's test environment adequately mirrors the production OSS, and it is stable: in other words, Ameritech Wisconsin does not change it after the testing period commences, except in certain limited circumstances to facilitate testing. Id. Ameritech Wisconsin is willing to work with CLECs to develop and evaluate the results of test plans, and it monitors test transactions so that it can more quickly resolve any questions or concerns that arise from them – a feature the FCC found "benefits competing carriers" (Texas 271 Order, ¶ 138). Cottrell Aff. ¶¶ 214-216. Further, Ameritech Wisconsin offers "the extended testing periods that competing carriers need for EDI implementation and new release testing." Kansas &amp; Oklahoma 271 Order, ¶ 168. Competing carriers receive 60 days to test OSS releases described in the Uniform and Enhanced Plan of Record, and 30 days for other (typically less significant) changes. Cottrell Aff. ¶ 213.</p> <p>AT&amp;T: The Ameritech Wisconsin CLEC Testing Environment does not mirror the production processing as is required.</p> <p>AIT: Versioning is a feature that allows requesting carriers to continue using an existing version of OSS software even after Ameritech Wisconsin issues a new version. Cottrell Aff. ¶ 218. The FCC has found "that versioning enhances [a BOC's] change management plan by providing significant additional assurance that changes will not disrupt competing carriers' use of [the BOC's] OSS." Kansas &amp; Oklahoma 271 Order, ¶ 167. Ameritech Wisconsin implemented versioning for ordering and pre-ordering in March 2001. Ameritech Wisconsin allows requesting carriers to use the two preceding versions after a new version is implemented, not just the immediately preceding version. Cottrell Aff. ¶ 219.</p> <p><b>Norlight:</b> See response for checklist requirement 2.1a.</p> <p><b>CLECs:</b> SBC/Ameritech cannot meet Checklist Item 2 because of problems with its CMP. (See Cox Aff., ¶ 86; Kagele Aff., ¶¶ 31-34).</p> <p>AIT Response: Competing Carrier Input. Ameritech Wisconsin's change management plan ("CMP") reflects 13 months of negotiations with CLECs throughout the 13-State SBC/Ameritech service area, conducted pursuant to the FCC's merger conditions. Cottrell Aff. ¶ 199. It was submitted to the FCC at the conclusion of the Uniform and Enhanced OSS collaborative. Id. No CLEC disputed or sought to arbitrate any provision of the CMP at the federal level.</p>	Factual, Legal, and OSS

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		<p>AIT: The 13-state CMP provides milestones and a timeline for the change or "release" process for both application-to-application interfaces and GUIs. Id. ¶ 200-203, 206. It includes multiple avenues for CLEC input on an ongoing basis throughout the change process, starting with periodic Change Management Meetings between CLEC and Ameritech Wisconsin personnel (id. ¶¶ 222-228), where CLECs can suggest and discuss improvements to OSS they deem useful. CLECs can also submit suggested changes outside the meeting. Id. ¶¶ 207, 227. CLEC participation continues during the development and implementation of an OSS change, which typically includes the following procedures (id. ¶¶ 202, 206):</p> <ul style="list-style-type: none"> <li>• A "12-month view" that summarizes OSS changes for the coming year, and is updated each quarter;</li> <li>• Release Announcements, in which Ameritech Wisconsin describes each individual proposed change at a high level;</li> <li>• Initial Requirements, describing the proposed change in detail;</li> <li>• Walk-through discussions between the parties' technical experts to discuss the Initial Requirements, followed by a CLEC comment period;</li> <li>• Final Requirement nts, describing changes (if any) that result from the walk-through and comment phases;</li> <li>• CLEC joint testing (described in more detail below); and</li> <li>• Implementation.</li> </ul> <p>CLECs: Multiple deferred and open KPMG Exceptions and Observations demonstrate that SBC/Ameritech currently does not meet Checklist Item 2 because of problems with its CMP. (See KPMG Exception Nos. 26, 41, 108, 129, 133, and KPMG Observation Nos. 239 and 507).</p> <p>AIT Response: performance of Ameritech's OSS is a Phase II issue that will be addressed after KPMG issues its report and Ameritech Wisconsin's performance data is placed into the record for comment by all parties.</p> <p>WCOM: Note: WorldCom objects to being required to address access to OSS in this phase of the proceeding given the Commission's July 1, 2002 Order stating that it had decided that there will be at least two phases to this investigation, and that the "first phase will consist of identifying issues and contested facts and law in areas not related to Ameritech's provision of OSS and UNE[s]." and the "second phase will consider the progress of two contested case dockets, <i>Investigation Into Ameritech Wisconsin Operational Support Systems</i>, PSCW docket 6720-TI-160, dealing with the testing of the sufficiency and nondiscriminatory qualities of Ameritech's operational support systems (OSS), and <i>Investigation Into Ameritech Wisconsin's Unbundled Network Elements</i>, PSCW docket 6720-TI-161, addressing availability and pricing of Ameritech's unbundled network elements (UNEs)." (See July 1, 2002 Order at 2). WorldCom further objects on the basis that the July 1, 2002 Order confirms that the collaboratives scheduled for August 2002, for which this matrix is intended to provide a framework, "shall not discuss the merits of the OSS and UNE dockets." (Id. at 3). Without waiving these objections, WorldCom specifically reserves its right to supplement this matrix in the future.</p>	
2.2.	(ii) 2. UNE Combinations In order to comply with the requirements of checklist item 2, a BOC must show that it is offering "[n]ondiscriminatory access to network elements in accordance with the requirements of section 251(c)(3)." Section 251(c)(3) requires an incumbent LEC to "provide, to any requesting telecommunications carrier . . . nondiscriminatory access to network elements on an unbundled basis at any	<p>AIT: In compliance with 47 C.F.R. § 51.315(b), Ameritech Wisconsin does not separate UNES that are currently physically combined in its network unless a CLEC requests that it do so. Alexander Aff. 62. Ameritech Wisconsin provides UNES in a manner that allows CLECs to combine them by making certain collocation arrangements - including caged, shared-caged, adjacent, and cageless physical collocation - available for that purpose. Id. 68. CLECs may request other technically feasible methods of access that are consistent with the 1996 Act and other governing statutes and decisions. Alexander Aff. 68, 77. The various collocation</p>	

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	<p>technically feasible point on rates, terms and conditions that are just, reasonable, and nondiscriminatory." Section 251(c)(3) of the Act also requires incumbent LECs to provide UNEs in a manner that allows requesting carriers to combine such elements in order to provide a telecommunications service.</p> <p>In the <i>Ameritech Michigan Order</i>, the Commission emphasized that the ability of requesting carriers to use UNEs, as well as combinations of UNEs, is integral to achieving Congress' objective of promoting competition in local telecommunications markets. Using combinations of UNEs provides a competitor with the incentive and ability to package and market services in ways that differ from the BOCs' existing service offerings in order to compete in the local telecommunications market. Moreover, combining the incumbent's UNEs with their own facilities encourages facilities-based competition and allows competing providers to provide a wide array of competitive choices. Because the use of combinations of UNEs is an important strategy for entry into the local telecommunications market, as well as an obligation under the requirements of section 271, the Commission examines section 271 applications to determine whether competitive carriers are able to combine network elements as required by the Act and the Commission's regulations.</p>	<p>options and other arrangements provide multiple methods for CLECs to combine and use UNEs without owning or controlling any other local exchange facilities. <i>Alexander Aff.</i> 77.</p> <p><b>AIT:</b> The PSCW has ordered Ameritech Wisconsin to provide certain combinations of network elements, asserting authority to impose such a requirement under state law. <i>Sept. 25 Phase I Final Decision</i>, PSCW Docket No. 6720-TI-160, at 15-21. Ameritech Wisconsin is in compliance with the PSCW's order pending judicial review. <i>Alexander Aff.</i> 64.</p> <p>As offered in <i>Norlight's</i> comments filed in this proceeding on July 2, 2002, on May 13, 2002, the Supreme Court of the United States reinstated subsections 51.315(c) through (f) of the FCC's original interconnection rules. These rules affirmatively require Ameritech to perform the functions necessary to combine various network elements on behalf of CLECs. Ameritech's current filing does not address Ameritech's purported compliance with these rules. Any evaluation of Ameritech's section 271 application must necessarily ensure that Ameritech satisfies these requirements and does not impose any terms or conditions that would unreasonably or unnecessarily delay the provision of UNE combinations (e.g., a BFR process or unlawful usage restrictions).</p> <p><b>CLECs:</b> SBC/Ameritech fails to meet Checklist Item 2 because it does not provide UNE combinations in a nondiscriminatory manner. (<i>See Cox Aff.</i>, ¶¶ 91-92).</p> <p><b>CLECs:</b> SBC/Ameritech's compliance filing in the UNE proceeding was inadequate.</p> <p><b>WCOM:</b> Note: WorldCom objects to being required to address access to UNE combinations in this phase of the proceeding given the Commission's July 1, 2002 Order stating that it had decided that there will be at least two phases to this investigation, and that the "first phase will consist of identifying issues and contested facts and law in areas not related to Ameritech's provision of OSS and UNE[s]," and the "second phase will consider the progress of two contested case dockets, <i>Investigation Into Ameritech Wisconsin Operational Support Systems</i>, PSCW docket 6720-TI-160, dealing with the testing of the sufficiency and nondiscriminatory qualities of Ameritech's operational support systems (OSS), and <i>Investigation Into Ameritech Wisconsin's Unbundled Network Elements</i>, PSCW docket 6720-TI-161, addressing availability and pricing of Ameritech's unbundled network elements (UNEs)." (<i>See</i> July 1, 2002 Order at 2). WorldCom further objects on the basis that the July 1, 2002 Order confirms that the collaboratives scheduled for August 2002, for which this matrix is intended to provide a framework, "shall not discuss the merits of the OSS and UNE dockets." (<i>Id.</i> at 3). Without waiving these objections, WorldCom specifically reserves its right to supplement this matrix in the future.</p> <p><b>WCOM:</b> The subject of Ameritech Wisconsin's obligation to provide UNE combinations is currently at issue in two separate pending appeals of the PSCW's September 25, 2001 OSS order in Docket No. 6720-TI-160 (<i>Milwaukee County Circuit Court Case No. 01-CV-011200</i>; <i>W.D. of Wisconsin Case No. 01-C-0690-C</i>). The parties have stipulated to resolve this issue in the federal appeal of the OSS order. Until these two appeals are fully and finally litigated, however, there is no assurance that Ameritech Wisconsin will continue to provide UNE combinations in satisfaction of the requirements of this checklist item. (Factual; Legal; OSS)</p> <p><b>AT&amp;T:</b> Ameritech is challenging the PSCW's combinations order in its appeal of Docket No. 6720-TI-160; additionally, has sent a notice to renegotiate the recently-approved interconnection agreement with AT&amp;T in light of the Supreme Court's decision in the <i>Verizon</i> case. Ameritech has not stated how it plans to comply with the FCC "UNE Combinations" rules, 47 C.F.R. § 51.315 (f) – (i), which were reinstated by that decision and thus has not</p>	Factual and Legal



Item	Checklist Requirement <sup>1</sup>	Position Regarding Compliance	Nature of Dispute <sup>2</sup>
2.3.	<p>(ii) 3. Pricing of Network Elements Checklist item 2 of section 271 states that a BOC must provide "nondiscriminatory access to network elements in accordance with sections 251(c)(3) and 252(d)(1)" of the Act. Section 251(c)(3) requires incumbents to provide "nondiscriminatory access to network elements on an unbundled basis at any technically feasible point on rates, terms, and conditions that are just, reasonable, and nondiscriminatory." Section 252(d)(1) requires that a state commission's determination of the just and reasonable rates for network elements shall be based on the cost of providing the network elements, shall be nondiscriminatory, and may include a reasonable profit. Pursuant to this statutory mandate, the Commission has determined that prices for UNEs must be based on the total element long run incremental cost (TELRIC) of providing those elements. The Commission also promulgated rule 51.315(b), which prohibits incumbent LECs from separating already combined elements before providing them to competing carriers, except on request. The Commission has previously held that it will not conduct a de novo review of a state's pricing determinations and will reject an application only if "basic TELRIC principles are violated or the state commission makes clear errors in factual findings on matters so substantial that the end result falls outside the range that the reasonable application of TELRIC principles would produce."</p> <p>Although the U.S. Court of Appeals for the Eighth Circuit stayed the Commission's pricing rules in 1996, the Supreme Court restored the Commission's pricing authority on January 25, 1999, and remanded to the Eighth Circuit for consideration of the merits of the challenged rules. On remand from the Supreme Court, the Eighth Circuit concluded that while TELRIC is an acceptable method for determining costs, certain specific requirements contained within the Commission's pricing rules were contrary to Congressional intent. The Eighth Circuit stayed the issuance of its mandate pending review by the Supreme Court. The Supreme Court, on May 13, 2002, upheld the Commission's forward-looking pricing methodology in determining costs of UNEs and "reverse[d] the Eighth Circuit's judgment insofar as it invalidated TELRIC as a method for setting rates under the Act." Accordingly, the Commission's pricing rules remain in effect.</p>	<p>demonstrated compliance with those rules.</p> <p><b>AIT Response:</b> Ameritech is clearly aware of the Supreme Court decision in <i>Verizon</i>. Ameritech Wisconsin provides for existing and new combinations of network elements under its tariff (P.S.C. of W. No. 20, Part 19, Sections 15, 19 and 22 respectively) and also offers interconnection agreement language that comports with the reinstatement of 51.315 (c)(f) (see Alexander reply Aff. ¶ 29). Further, CLECs can obtain new combinations provisions that meet (and in some respects exceeds) these requirements (e.g. AT&amp;T agreement)</p> <p><b>NOTE:</b> Pursuant to the Commission's Order dated July 1, 2002 the Commission has indicated that issues pertaining to UNE Pricing will be deferred until Phase 2 of this proceeding. Nevertheless, Ameritech Wisconsin, in anticipation of Phase 2, will set forth, generally, the outlines of its compliance with requirements pertaining to UNE Pricing as contained in its initial filing.</p> <p><b>AIT:</b> Ameritech Wisconsin provides UNEs to CLECs at rates that comply fully with all FCC and statutory requirements. Each UNE rate currently available – as well as the rates currently available for all required forms of collocation and reciprocal compensation – has either been approved by or is now before the PSCW. In reviewing the rates currently in effect, the PSCW has applied the FCC's TELRIC methodology in a strict, and we believe conservative, manner. Indeed, Ameritech Wisconsin believes that the currently available rates are, if anything, significantly lower than those authorized by TELRIC.</p> <p><b>AIT:</b> Subsequent to the passage of the 1996 Act, the PSCW has conducted two generic cost dockets to determine the UNE and collocation rates Ameritech Wisconsin is permitted to charge CLECs under arbitrated interconnection agreements and tariffs mandated by the PSCW. The first of these, Docket No. 6720-TI-120, was commenced in 1996 and concluded with an order dated February 20, 1997. Smith Aff. ¶ 11. Ameritech Wisconsin filed revised cost studies conforming to the PSCW's order on February 28, 1997. Id. These costs are compliant with FCC rules. Smith Aff. ¶ 7. We are awaiting a final order from the PSCW to establish permanent UNE rates. The second case, Docket No. 6720-TI-161, was commenced in December 1999. Smith Aff. ¶ 11. All significant Wisconsin CLECs actively participated in this case, including AT&amp;T, MCI/WorldCom, Sprint and TDS Metrocom. Id. ¶¶ 11-16. The PSCW Staff also played an active role in the case. Id.</p> <p><b>Norlight</b> does not have any response at this time with regard to Ameritech's compliance with this checklist requirement.</p> <p><b>CLECs:</b> SBC/Ameritech cannot satisfy Checklist item 2 until final, non-appealable UNE rates are established in Wisconsin. (See CLEC Initial Comments, at 20-21).</p> <p><b>WCOM:</b> Note: WorldCom objects to being required to address UNE pricing in this phase of the proceeding given the Commission's July 1, 2002 Order stating that it had decided that there will be at least two phases to this investigation, and that the "first phase will consist of identifying issues and contested facts and law in areas not related to Ameritech's provision of OSS and UNE(s)," and the "second phase will consider the progress of two contested case dockets, <i>Investigation Into Ameritech Wisconsin Operational Support Systems</i>, PSCW docket 6720-TI-160, dealing with the testing of the sufficiency and nondiscriminatory qualities of Ameritech's operational support systems (OSS), and <i>Investigation Into Ameritech Wisconsin's Unbundled Network Elements</i>, PSCW docket 6720-TI-161, addressing availability and pricing of Ameritech's unbundled network elements (UNEs)." (See July 1, 2002 Order at 2). WorldCom further objects on the basis that the July 1, 2002 Order confirms that the collaboratives scheduled for August 2002, for which this matrix is intended to provide a framework, "shall not discuss the merits of the OSS and UNE dockets." (Id. at</p>	Factual, Legal, and UNE Cost

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		<p>3). Without waiving these objections, and specifically reserving its right to supplement this matrix in the future, WorldCom states as follows:</p> <p><b>WCOM:</b> Ameritech Wisconsin's draft 271 application is woefully deficient in addressing the issues of UNE pricing and its obligation to provide interconnection and UNEs at TELRIC rates. None of Ameritech Wisconsin's revised affidavits, nor its matrix submission, even mention the Commission's UNE pricing order issued on March 22, 2002 in Docket 6720-TI-161. And despite the fact that the Commission has issued its order in that docket, CLECs still will not know what UNE rates they will be required to pay for some time. CLECs have not yet completed their analysis of Ameritech's compliance filing, but CLECs' initial analysis has already identified multiple problems with the rates Ameritech Wisconsin has proposed based upon its interpretation of the Commission's UNE order. Moreover, on June 6, 2002, Ameritech appealed virtually every single aspect of the UNE Order to the U.S. District Court for the Western District of Wisconsin (Case No. 02-C-0315-S). Thus, given the amount of time it will take for the Commission to resolve the obvious disputes between CLECs and Ameritech over the rates that should result from the Commission's UNE order, and the appeal that Ameritech has already filed, it is inconceivable that Ameritech can satisfy Checklist Item 2. There are no final, non-appealable TELRIC-based UNE rates in place. Before the Commission recommends that the FCC grant Ameritech Wisconsin 271 authority, the Commission should cap UNE and interconnection rates that result from the UNE order for a period of five years. <i>Campion Aff.</i> ¶¶15-15. (Factual; Legal; UNE cost)</p> <p><b>WCOM:</b> Non-Discriminatory Access to xDSL, Loop Conditioning, Line Sharing, Line Splitting, Collocation, Non-Recurring Charges and the HFPL UNE, as well as pricing for that access, will all be addressed in the CLECs' August 1, 2002 Comments on Ameritech Wisconsin's May 21, 2002 compliance filing in the UNE docket. As will be demonstrated there, Ameritech Wisconsin has failed to properly implement the PSCW's UNE Order on these subjects. (Factual; Legal; UNE Cost)</p> <p><b>AT&amp;T:</b> Ameritech Wisconsin has not shown in a concrete and legal manner that it has complied with the pricing requirements of § 271 of the Act. Ameritech Wisconsin has submitted stale information with respect to the status of its UNE pricing. It predicts future Commission actions that have already occurred and provides supporting information related to Ameritech Wisconsin pricing proposals that have already been rejected by the Commission. Henson Affidavit ¶¶ 11, 14. Commission reliance on such inaccurate information is inadvisable.</p> <p><b>AT&amp;T:</b> Ameritech Wisconsin's comprehensive UNE pricing review, Docket 6720-TI-161, is only partially completed, having received a Commission order pertaining to cost study policy and cost model input decisions. Two rounds of compliance comments have yet to be completed. A review of Ameritech Wisconsin's collocation cost studies has revealed a collection of compliance problems. There is no reason to believe that Ameritech's other UNE studies will be any different. In short, Ameritech Wisconsin is far from having finalized, Commission-approved TELRIC-compliance UNE prices and a suitable corresponding tariff, and Ameritech Wisconsin's representations to the contrary are simply erroneous, or at best premature. <i>Id.</i> ¶¶ 16-17.</p> <p><b>AT&amp;T:</b> In other instances, there is considerable uncertainty regarding how UNE rates are to be applied. The issue of line splitting provides an example of uncertainty associated with the application of nonrecurring charges. Although Ameritech is participating in an extensive series of collaborative sessions on this subject in Michigan, it asserts that no such problem exists in Wisconsin. Similar problems have surfaced during the review of Ameritech</p>	

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		<p>Wisconsin's collocation-related pricing studies filed in Docket No. 6720-TI-161. Id. ¶¶ 19, 21-23.</p> <p><b>AT&amp;T:</b> Even when permanent UNE prices are set and placed in a suitable tariff, Ameritech's predisposition to overstate and increase costs from current levels will create sufficient risk to make CLEC business planning virtually impossible. Most notable is Ameritech's recent Ohio application to virtually double UNE costs and its proclamation that it will file similar proposals by this year's end in other states where "current prices are similar to Ohio's." For this reason, the Commission should require that Ameritech Wisconsin's UNE prices be capped for three years before even contemplating any finding that Ameritech Wisconsin has fulfilled the pricing obligations established by § 271 of the Act. Id. ¶¶ 24-31.</p> <p><b>AIT Response:</b> As noted, the Commission has already determined that UNE cost issues are to be deferred until Phase II of this docket. (See VanderSanden Reply Aff. ¶ 12)</p> <p><b>AIT response:</b> The entire notion of "final" or "permanent" UNE rates is erroneous. As the FCC has noted, UNE rates are to be revisited from time to time by state commissions in order to keep the rates current. <i>Georgia 271 Order</i> at ¶96. "Uncertainty" will necessarily arise whenever a UNE cost docket is undertaken. Moreover, such periodic cost reviews cannot be avoided; § 251 of the Act requires that UNEs be based on costs and include a reasonable profit. 47 U.S.C. 252(c). Since costs change over time, periodic reviews of UNE rates are required and cannot be avoided by artificial "price controls." For this reason, the calls by various parties for a five-year "UNE price freeze must be rejected. (See VanderSanden Reply Aff. ¶18)</p> <p><b>AIT Response:</b> CLECs have the ability and the right to remove any uncertainty regarding UNE prices by negotiating and/or arbitrating their own rates with Ameritech Wisconsin. The Commission's Final Decision in Docket 6720-TI-161 makes clear that parties are not bound by tariffed prices established in that docket. Individual CLECs can achieve pricing certainty by using the procedures established in §§ 251 and 252 of the Act. (See VanderSanden Reply Aff. ¶17)</p> <p><b>AIT Response:</b> The Commission has already issued its decision on contested issues, a compliance filing has already been made, and a comment cycle on the compliance filing is well underway. (Smith Reply Affidavit at ¶¶ 6-7). Any "uncertainty" remaining in Docket No. 6720-TI-161 is likely to be short-lived. (See VanderSanden Reply Aff. ¶ 16)</p> <p><b>AIT:</b> Ameritech Wisconsin satisfies checklist item 3, which requires a BOC to provide "[n]ondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by the [BOC] at just and reasonable rates in accordance with the requirements of section 224." 47 U.S.C. § 271(c)(2)(B)(iii). Ameritech Wisconsin has a long history of providing access to its poles, ducts and rights-of-way. Ameritech Wisconsin has been providing such access at least since the adoption of the Pole Attachment Act (47 U.S.C. § 224) in 1978. Stanek Aff. ¶ 5.</p> <p><b>Norlight</b> does not have any response at this time with regard to Ameritech's compliance with this checklist requirement.</p> <p><b>AIT:</b> Unbundled Loop - Ameritech Wisconsin's loop offerings include 2-wire analog loops with no more than 8 dB loss, 4-wire analog g loops, 2-wire and 4-wire ISDN digital-grade lines, and various 2- and 4-wire loops capable of offering xDSL services. Deere Aff. ¶ 91.</p>	
3.	(iii) Poles, Ducts, Conduits and Rights of Way Section 271(c)(2)(B)(iii) requires BOCs to provide "[n]ondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by the [BOC] at just and reasonable rates in accordance with the requirements of section 224." Section 224(f)(1) states that "[a] utility shall provide a cable television system or any telecommunications carrier with nondiscriminatory access to any pole, duct, conduit, or right-of-way owned or controlled by it.		
4.	(iv) Unbundled Local Loops Section 271(c)(2)(B)(iv) of the Act, item 4 of the competitive checklist, requires that a BOC provide "[l]ocal loop transmission from the central office to the customer's		

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	<p>premises, unbundled from local switching or other services." The Commission has defined the loop as a transmission facility between a distribution frame, or its equivalent, in an incumbent LEC central office, and the demarcation point at the customer premises. This definition includes different types of loops, including two-wire and four-wire analog voice-grade loops, and two-wire and four-wire loops that are conditioned to transmit the digital signals needed to provide service such as ISDN, ADSL, HDSL, and DS1-level signals.</p> <p>In order to establish that it is "providing" unbundled local loops in compliance with checklist item 4, a BOC must demonstrate that it has a concrete and specific legal obligation to furnish loops and that it is currently doing so in the quantities that competitors demand and at an acceptable level of quality. A BOC must also demonstrate that it provides nondiscriminatory access to unbundled loops. Specifically, the BOC must provide access to any functionality of the loop requested by a competing carrier unless it is not technically feasible to condition the loop facility to support the particular functionality requested.</p> <p>Competing carriers should have access to the HFPL at either a central office or at a remote terminal. However, the HFPL network element is only available on a copper loop facility.</p> <p>To determine whether a BOC makes line sharing available consistent with Commission rules set out in the Line Sharing Order, the Commission examines categories of performance measurements identified in the Bell Atlantic New York and SWBT Texas Orders. Specifically, a successful BOC applicant could provide evidence of BOC-caused missed installation due dates, average installation intervals, trouble reports within 30 days of installation, mean time to repair, trouble report rates, and repeat trouble report rates. In addition, a successful BOC applicant should provide evidence that its central offices are operationally ready to handle commercial volumes of line sharing and that it provides competing carriers with nondiscriminatory access to the pre-ordering and ordering OSS functions associated with the provision of line shared loops, including access to loop qualification information and databases.</p> <p>Section 271(c)(2)(B)(iv) also requires that a BOC demonstrate that it makes line splitting available to competing carriers so that competing carriers may provide voice and data service over a single loop. In addition, a BOC must demonstrate that a competing carrier, either alone or in conjunction with another carrier, is able to replace an existing UNE-P configuration used to provide voice service with an arrangement that enables it to</p>	<p>Alexander Aff. ¶ 82. The local loop includes, but is not limited to DS1, DS3, fiber, and other high capacity loops to the extent required by applicable law. 47 C.F.R. § 51.319(a); Deere Aff. ¶ 90; Alexander Aff. ¶ 81. There are separate performance standards tailored to each loop product. Ehr Aff. ¶ 157 &amp; Attach. A.</p> <p>AIT: For the small percentage of customers served by integrated digital loop carrier ("IDLC") equipment, Ameritech Wisconsin provides unbundled loops through alternative facilities. Deere Aff. ¶ 117. By agreement during the collaborative process, Ameritech Wisconsin has committed to notify the requesting carrier if a request for an unbundled loop involves IDLC within 24 hours of order confirmation. Id. Ameritech Wisconsin also provides access to a DSL Tracking Inquiry Tool ("DTI") and to Distribution Area ("DA") information from its internal network systems, which help CLECs identify, within a smaller geographic area in a wire center, where loops are served by integrated loop carrier or universal loop carrier. Id. ¶ 137.</p> <p>AT&amp;T: Ameritech Wisconsin refuses to make available to AT&amp;T unbundled loops that are provisioned using Next Generation Digital Loop Carrier (NGDLC) systems, which Ameritech called the Project Pronto network architecture. Ameritech takes the position that it should be allowed to retain any new deployment of the unbundled loops constituting its Project Pronto architecture for its sole use. The FCC has decided that CLECs will be "impaired" without access to unbundled loops and, consequently, CLECs will be impaired without access to this type of Ameritech loop infrastructure. The FCC rules designate that Unbundled Network Elements are technology independent. This means that Ameritech cannot avoid provisioning UNE loops to CLECs over its NGDLC loop network. This request is no different from requesting UNE loops over copper or Universal Digital Loop Carrier (UDLC) systems. Fetting Aff., ¶¶ 6, 7 – 21. The PSWC ordered Ameritech to provide UNE loops over NGDLC in its order in, Docket 6720-TT-161 (Order, March 22, 2002, at 130)</p> <p>AIT: The NID and Subloop Unbundling - Ameritech Wisconsin provides the ability to obtain and use the NID under terms and conditions established in Ameritech Wisconsin's interconnection agreements. Deere Aff. ¶¶ 76-82. CLECs may connect to the customer's inside wire at Ameritech Wisconsin's NID at no charge, or they may pay Ameritech Wisconsin to perform any NID repairs, upgrades, disconnects, or rearrangements they desire. Id. ¶ 78. Ameritech Wisconsin also provides and connects the NID at no additional charge when CLECs order an unbundled loop. Id. ¶¶ 79, 81. CLECs can provide their own NID when n serving multiple dwelling units ("MDUs"), and connect directly with the end user's premises wire, or the CLEC can connect to the end user's premises wire via Ameritech Wisconsin's NID when necessary. Id. ¶ 80.</p> <p>AIT: CLECs also can order sub-elements of the local loop from Ameritech Wisconsin on an unbundled basis and access these sub-elements at technically feasible accessible points. Deere Aff. ¶¶ 95-98. Available sub-elements include 2-wire and 4-wire analog subloops (for voice or DSL service), 4-wire DS1 and DS-3 subloops, and a 2-wire ISDN subloop. Id. ¶ 97, as well as loop distribution facilities, id. ¶¶ 98-106; a high-capacity segment between a Central Office and Remote Terminal, id. ¶ 105; dark fiber, id. ¶ 107; and the digital loop carrier, id. ¶¶ 116-118. Special arrangements can be requested for access at or near remote terminals via an Engineering Controlled Splice. Id. ¶¶ 99-106. These offerings satisfy the FCC's subloop unbundling requirements. See UNE Remand Order, ¶¶ 206-229.</p>	

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	<p>provide voice and data service to a customer. To make such a showing, a BOC must show that it has a legal obligation to provide line splitting through rates, terms, and conditions in interconnection agreements and that it offers competing carriers the ability to order an unbundled xDSL-capable loop terminated to a collocated splitter and DSLAM equipment, and combine it with unbundled switching and shared transport.</p>	<p><b>AIT:</b> Facilities Modification - To give requesting carriers fast confirmation of order receipt, and to conform to industry guidelines for electronic ordering, Ameritech Wisconsin's FOCs include an estimated installation date based on standard provisioning intervals and workloads. In some cases, Ameritech Wisconsin may subsequently find that the facilities needed to fill the order are unavailable and that more time will be needed. Ameritech Wisconsin has developed a Facilities Modification Policy that is designed both to reduce the number and length of any delays in provisioning, and to keep the requesting carrier apprised of the status of its order and to ensure nondiscriminatory treatment of wholesale and retail customers. Deere Aff. ¶ 138. The general terms of the Policy were set forth in PSCW Docket No. 6720-TI-160, and are also posted on Ameritech Wisconsin's CLEC website. Brown Aff. ¶ 60. Pursuant to the Policy, orders that entail routine modifications to existing facilities are generally processed without delay and without any additional charge for the work performed. Deere Aff. ¶¶ 140-141.</p> <p><b>AIT:</b> For orders that require more complex work, Ameritech Wisconsin notifies the requesting carrier of the work, time, and additional cost, if any, that would be involved. See Deere Aff. ¶¶ 142-148. The carrier may accept the quote or choose an alternative method (such as resale or the UNE platform) to serve the end user. Id. ¶¶ 138-148. The Local Service Center has dedicated a special team to coordinate and oversee this process and to serve as a contact point for CLECs. Brown Aff. ¶ 61. Procedurally, Ameritech Wisconsin's performance standards require it to give the requesting carrier notice of facilities delays within 24 hours of the initial FOC. Deere Aff. ¶ 141; Ehr Aff. ¶ 170. Ameritech Wisconsin has also implemented a series of performance standards that govern the time for detailed quotes of complex modifications, depending on the type of modifications involved. Id.</p> <p><b>AIT Response:</b> Coordinated and Frame Due Time Conversions ("Hot Cuts") - As in Texas, Kansas, and Oklahoma, Ameritech Wisconsin offers CLECs a choice between alternative methods of conversions - the fully coordinated hot cut ("CHC") process, non-coordinated hot cuts, and the frame due time ("FDT") hot cut process - allowing CLECs to select the process that best fits their resources and priorities. Brown Aff. ¶¶ 73-86. These processes were developed with CLEC input in Ameritech regional collaboratives, and include automatic testing and validation of Dial Tone/Automatic Number Identifications. Id. ¶¶ 73-75, 81. The processes are subject to the same performance standards used in Texas, Kansas, and Oklahoma, including standards that limit late or premature coordinated cutovers. Ehr Aff. ¶¶ 177-180.</p> <p><b>AT&amp;T:</b> AT&amp;T has had fewer opportunities recently to observe Ameritech's hot cut performance, but there is evidence from the third-party test (managed by KPMG) that indicates Ameritech has had difficulties meeting its obligations to provide carriers non-discriminatory access to unbundled loops. For example, KPMG has noted that the "Ameritech CHC [coordinated hot cut] procedures and hot cut process flow diagrams were not readily available in 7 of the 8 central offices" visited in Illinois.<sup>12</sup> KPMG further reports that in visits to central offices in Illinois and Wisconsin, it observed that Ameritech technicians failed to adhere to several critical hot cut procedures. As KPMG concluded, a coordinated hot cut that is "not performed correctly may result in an interruption of service for a customer that is unnecessarily extended or, in more severe cases, may cause a complete service outage for a customer. Further, any service interruption of this type may result in a decrease in customer satisfaction."</p> <p><b>AIT:</b> Performance - Ameritech Wisconsin has implemented, pursuant to PSCW order and with agreement of CLECs, a full complement of performance standards to ensure timely and</p>	

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		<p>reliable loop provisioning and maintenance. Ehr Aff. ¶¶ 161-187. These include the intervals for loop installation (expressed as an overall average, as the percentage meeting benchmark intervals, and as compared to due dates), for order status notices (such as order confirmation and completion notices), and for loop repairs. Id. ¶¶ 161-170, 173-176, 186-187. Further, Ameritech Wisconsin measures the rate of reported troubles on loops, both in general (to assess the quality of facilities) and within 30 days of installation (to help determine whether loops are provided in conformance with the order). Id. ¶¶ 183, 187.</p> <p>AIT: Nondiscriminatory Access to xDSL-Capable Loops Used for Advanced Services - As with the systems the FCC reviewed and found sufficient in its Kansas &amp; Oklahoma 271 Order, Ameritech Wisconsin offers various methods for requesting carriers to obtain loop qualification information. First, where such information can be retrieved electronically by Ameritech Wisconsin's loop qualification system, requesting carriers can access it using either one of Ameritech Wisconsin's two pre-order interfaces, and will obtain automatically the same information that is available to Ameritech Wisconsin's data affiliate, which uses the same electronic interfaces. Chapman Aff. ¶¶ 18, 21, 23; Cottrell Aff. ¶¶ 83, 92, 95; Habeab Aff. ¶ 7.</p> <p>AIT: Ameritech Wisconsin alternatively will provide "archived actual" loop information if it is available for the CLEC's request. Chapman Aff. ¶ 19; Cottrell Aff. ¶¶ 93-94. The requesting carrier can either proceed on the basis of the actual or archived actual information or ask Ameritech Wisconsin to perform a manual search of its records. Chapman Aff. ¶¶ 20, 23; Cottrell Aff. ¶¶ 93, 95-96. These search requests can be submitted via the pre-order interfaces. Chapman Aff. ¶ 20; Cottrell Aff. ¶ 95. Ameritech Wisconsin typically responds within three to five business days, by updating the information in the loop qualification database (where it is available for viewing by the CLEC), Chapman Aff. ¶ 23, and, upon request, by returning the results of the manual look-ups directly by e-mail. Cottrell Aff. ¶¶ 95-96.</p> <p>AIT: As in the Kansas &amp; Oklahoma 271 Order (¶ 124), requesting carriers can use these methods to obtain useful qualification information about: (1) the composition of the loop (i.e. the presence of fiber-fed Digital Loop Carrier); (2) the existence and quantity of bridged tap, load coils, and repeaters on the loop; (3) the loop's length, and (4) its wire gauge. Chapman Aff. ¶ 22; Cottrell Aff. ¶¶ 82, 89. Further, the carrier can learn about the presence of other technologies in the same or adjacent loop binder groups that might disturb advanced services. Chapman Aff. ¶ 22; Cottrell Aff. ¶ 89. This provides all relevant information possessed by Ameritech Wisconsin about the make-up of a particular loop, and permits the CLEC to determine whether it can provide DSL service to a particular end user via either the HFPL UNE or a stand-alone loop. Chapman Aff. ¶¶ 17, 22, 24; Cottrell Aff. ¶ 96.</p> <p>AIT: Ameritech Wisconsin provides loop qualification information at two levels, allowing CLECs to choose the degree of detail that best suits their needs. Pre-qualification is an optional screening tool that provides general information about Ameritech Wisconsin's facilities, allowing the requesting carrier immediately to draw some preliminary conclusions about whether advanced service may be appropriate for a given geographic area or for a particular customer and about the type of xDSL service that could be used. Cottrell Aff. ¶ 82. Qualification, meanwhile, involves information about the loop that serves a specific address or working telephone number. Id. ¶¶ 89-96; Chapman Aff. ¶¶ 18, 22. When loop make-up information is requested by service address, Ameritech Wisconsin gives the CLEC the option to obtain information on either a single loop or for multiple loops (up to 10) connected to the requested address. Cottrell Aff. ¶ 89.</p>	

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		<p>AIT: Ameritech Wisconsin has implemented performance measures to assess the speed and accuracy with which it provides loop qualification information. As described above, Ameritech Wisconsin measures the speed of each type of pre-order response; those measures include separate categories dedicated solely to loop qualification inquiries. Ehr Aff. ¶ 159. Further, Ameritech Wisconsin measures and reports the accuracy of actual loop make-up information provided in response to DSL inquiries. Id.</p> <p>AIT: Stand-alone xDSL-Capable Loops - To obtain loops for their advanced services, Wisconsin CLECs use ordering and provisioning systems and processes that are analogous to those used to provision ordinary, standalone (uncombined) unbundled loops. Chapman Aff. ¶¶ 5, 33. Ameritech Wisconsin's performance standards require parity in provisioning CLEC and affiliate orders for xDSL capable loops. Ehr Aff. ¶ 174.</p> <p>AIT: CLECs can select the precise conditioning they desire to provision their desired service over a given loop, specify at the time of ordering that they desire whatever conditioning is shown to be available by the results of loop qualification, or forego conditioning altogether and take the loop "as is." Chapman Aff. ¶¶ 35-39. In accordance with the FCC's SBC/Ameritech merger conditions, all necessary conditioning (conditioning necessary to bring a loop within industry standards) for loops of 12,000 feet or less is performed without charge. Id. ¶ 40. Ameritech Wisconsin has developed rates for conditioning that are consistent with least-cost principles and has presented them to the PSCW for approval in Docket No. 6720- T1-161. See Section II.B.4 supra.</p> <p>AIT: Line Sharing - Ameritech Wisconsin has implemented line sharing in Wisconsin in accordance with the requirements set forth in the Line Sharing Order. Chapman Aff. ¶¶ 8, 52-55, 58. CLECs and Ameritech Wisconsin's data affiliate, AADS, have the same opportunity to access the high-frequency portion of the loop unbundled network element ("HFPL UNE") for carrying data traffic. Id. ¶ 11, 58, 72. After release of the Line Sharing Order, Ameritech Wisconsin, in conjunction with other SBC operating companies, conducted a collaborative line sharing trial to identify key aspects of operating in a line-sharing environment. Chapman Aff. ¶¶ 55-57. Ameritech Wisconsin continues to work collaboratively with the CLECs to address additional issues that may arise. Id. ¶ 56. Ameritech Wisconsin makes line sharing available through amendments to its interconnection agreements with CLECs. Id. ¶ 70.</p> <p>AIT: Ameritech Wisconsin also is in compliance with the Line Sharing Reconsideration Order's requirement (at ¶ 10) to provide CLECs with unbundled access to the HFPL of the copper portion of fiber-fed loops. Chapman Aff. ¶¶ 78-82. The FCC has recognized that the HFPL UNE is "limited by technology, i.e., is only available on a copper facility." Arkansas &amp; Missouri 271 Order, ¶ 105. Thus, in order to access the HFPL of a copper facility in situations where the end user is served by Digital Loop Carrier, Ameritech Wisconsin permits CLECs to access the copper facility at an accessible subloop access point and purchase available dark fiber or subloop feeder facilities to transport data services back to the central office. Id. ¶ 79.</p> <p>AIT: CLECs desiring loop make-up information use the same processes and interfaces for the HFPL UNE as for xDSL-capable loops. Chapman Aff. ¶ 15. Orders for the HFPL UNE also are submitted in the manner and through the same interfaces as orders for xDSL-capable loops. Id. ¶¶ 51, 59. Indeed, a request for the HFPL UNE is basically the same as for a stand-alone xDSL capable loop. Id. ¶ 60. The minor differences in the fields utilized when ordering the HFPL UNE are due to the unique aspects of line sharing. Id. Unlike a stand-alone xDSL capable loop that does not have an associated telephone number, when a CLEC obtains the HFPL UNE, it must provide the telephone number of Ameritech Wisconsin's voice service that occupies the low frequency portion of the loop to be shared. Id. The CLEC also</p>	

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		<p>must provide their desired assignment information related to the provision of the splitter. Id. Just as with the stand alone xDSL capable loop, when requesting the HFPL UNE, the CLEC simply submits a request electronically through Enhanced LEX or EDI. Id. ¶¶ 51, 59, 63. Aside from the above-described differences in the request form itself, the ordering process for the HFPL UNE follows the same flows as the xDSL-capable loop offering. Chapman Aff. ¶ 61.</p> <p>AIT: Ameritech Wisconsin provisions the HFPL UNE to CLECs under terms and conditions in tariffs and negotiated in interconnection agreements. Id. ¶ 70. Just as with xDSL-capable loops, Ameritech Wisconsin offers CLECs HFPL provisioning intervals that are at parity with, or better than, the provisioning intervals available to Ameritech Wisconsin's advanced services affiliate, regardless of whether conditioning is required. Id. ¶¶ 72-73. Parity is the legal standard set forth in the Line Sharing Order (¶¶ 107, 174), and the Texas 271 Order (¶¶ 44-45), as well as the Eighth Circuit's decision in IUB III, 219 F.3d at 758. In short, Ameritech Wisconsin has the necessary pre-ordering, ordering and provisioning processes in place to provide the HFPL UNE to CLECs in a nondiscriminatory manner. Chapman Aff. ¶ 58.</p> <p>AIT: Line Splitting - In accordance with the FCC's rules and orders, including the Line Sharing Reconsideration Order, 19 Ameritech Wisconsin supports line splitting where a CLEC obtains separate UNEs (including unbundled loops, unbundled switching, and associated cross-connects) and combines them with its own splitter (or the splitter of the CLEC's data partner) in a collocation arrangement. 20 Chapman Aff. ¶ 83. Specifically, a CLEC may obtain access to an xDSL-capable loop from Ameritech Wisconsin and then provide both voice and data service over the loop. Id. ¶ 85. Alternatively, a CLEC may provide voice service while a partner provides data services. Id. By accommodating line splitting in this manner, Ameritech Wisconsin's current UNE offerings meet all the FCC's requirements (Chapman Aff. ¶¶ 83, 92). See Texas 271 Order (¶¶ 323-329); Line Sharing Order (¶ 72); Line Sharing Reconsideration Order (¶ 19).</p> <p>In reviewing Ameritech's compliance with this requirement, Norlight encourages the Commission to ensure, among other things, that Ameritech proposals do not unduly or unlawfully restrict access to unbundled dark fiber. In particular, Norlight asks the Commission to reject any proposal that restricts the availability of unused fiber simply because it is not terminated – a requirement that would effectively allow Ameritech to keep dark fiber from its competitors by leaving it one simple step away from ready use for its own purposes. In addition, the Commission should also reject any proposal that requires CLECs to consult Ameritech for the location and availability of dark fiber on a route-by-route basis – a requirement that would effectively make dark fiber location and availability a virtual shell game for CLECs.</p> <p>CLECs: SBC/Ameritech cannot meet Checklist Item 4, in part, because of its policy of requiring the removal of "non-excessive" bridge tap in connection with the provisioning of DSL-capable loops. (See CLEC Initial Comments, at 21; Cox Aff., ¶¶ 96-109).</p> <p>AIT Response: Ameritech Wisconsin does not require the removal of non-excessive bridged tap. This is simply an option that AIT WI has made available to CLECs. (See Chapman Reply Comments at ¶¶ 60-66)</p> <p>CLECs: SBC/Ameritech does not provide adequate alternative facilities when service is provided by an IDLC or Universal Carrier system. Delays in providing loops when served from fiber happen frequently and with extremely long delays. (See FMOD Report).</p>	Factual and Legal



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		<p><b>WCOM:</b> Note: WorldCom objects to being required to address UNE-related issues in this phase of the proceeding given the Commission's July 1, 2002 Order stating that it had decided that there will be at least two phases to this investigation, and that the "first phase will consist of identifying issues and contested facts and law in areas not related to Ameritech's provision of OSS and UNE[s]," and the "second phase will consider the progress of two contested case dockets, <i>Investigation Into Ameritech Wisconsin Operational Support Systems</i>, PSCW docket 6720-TI-160, dealing with the testing of the sufficiency and nondiscriminatory qualities of Ameritech's operational support systems (OSS), and <i>Investigation Into Ameritech Wisconsin's Unbundled Network Elements</i>, PSCW docket 6720-TI-161, addressing availability and pricing of Ameritech's unbundled network elements (UNEs)." (See July 1, 2002 Order at 2). WorldCom further objects on the basis that the July 1, 2002 Order confirms that the collaboratives scheduled for August 2002, for which this matrix is intended to provide a framework, "shall not discuss the merits of the OSS and UNE dockets." (<i>Id.</i> at 3). Without waiving these objections, and specifically reserving its right to supplement this matrix in the future, WorldCom states as follows:</p> <p><b>WCOM:</b> Non-Discriminatory Access to xDSL, Loop Conditioning, Line Sharing, Line Splitting, Collocation, Non-Recurring Charges and the HFPL UNE, as well as pricing for that access, will all be addressed in the CLECs' August 1, 2002 Comments on Ameritech Wisconsin's May 21, 2002 compliance filing in the UNE docket. As will be demonstrated there, Ameritech Wisconsin has failed to properly implement the PSCW's UNE Order on these subjects. (Factual; Legal; UNE Cost)</p> <p><b>WCOM:</b> Line Splitting. Ameritech Wisconsin fails to satisfy checklist requirements because it fails to provide line splitting. Ameritech Wisconsin currently rejects orders from MCI to migrate voice customers when the customer has DSL service from a data CLEC (including Ameritech's own data affiliates). Ameritech Wisconsin is preventing customers who have Ameritech for voice service (and DSL on the same line) from choosing MCI as their voice provider.</p> <p><b>AIT Response:</b> This is false. If WorldCom wins the voice for a customer currently served by line sharing, it may either engage in a voluntary line splitting arrangement with the data CLEC, or provide voice over a separate loop. (See Chapman Reply Comments at ¶ 47)</p> <p><b>WCOM:</b> In the AT&amp;T/Ameritech arbitration, this Commission required line splitting over UNE-P, and the provisioning of the splitter as a UNE. UNE Order at 129.</p> <p><b>AIT Response:</b> AT&amp;T's conformed interconnection agreement that has been approved by this Commission. The agreement specifically states "Nothing in this Schedule 9.2.2 shall obligate SBC-AMERITECH to provide a splitter (defined in Section 9.2.2.9, below as "a passive device within the SBC-AMERITECH central office used to separate the voice and data on a standard copper xDSL capable loop") to AT&amp;T for purposes of line sharing or line splitting."</p> <p><b>WCOM:</b> Thus, where Ameritech's data affiliate provides its own splitter, or where another data CLEC provides its own splitter, Ameritech must allow line splitting over UNE-P. Ameritech has effectively refused to do so.</p> <p><b>AIT Response:</b> Ameritech Wisconsin cannot force a data provider to engage in line splitting with a voice CLEC. Nor can Ameritech Wisconsin for a data provider to share its network with another CLEC as WorldCom's proposal requires. Furthermore, Ameritech Wisconsin cannot offer a product offering that consists of network elements that do not belong to</p>	

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		<p>Ameritech Wisconsin. (See Chapman Reply Comments at ¶¶ 19-22, 34-39, 42-45 and 57)</p> <p><b>WCOM:</b> Ameritech concedes that its proposed version of line splitting would entail some downtime due to the requirement of removing and reinstalling the splitter.</p> <p><b>AIT Response:</b> WorldCom's claim is untrue. Ameritech Wisconsin's processes for line splitting do not include a requirement to remove an existing splitter, only to turn around and reinstall the same splitter. Instead, Ameritech Wisconsin's order processes that enable a CLEC to request conversion of line sharing arrangements to line splitting arrangements where a CLEC provides its own collocated splitter have been specifically designed to ensure that the existing connections to the CLEC-owned splitter remain intact (Chapman Reply Comments at ¶¶ 60-61)</p> <p><b>WCOM:</b> Accordingly, Ameritech is violating this Commission's order, as well as FCC Orders. (Lichtenberg Aff. ¶¶31-39). (Factual; Legal; OSS; UNE Cost)</p> <p><b>AIT Response:</b> Ameritech Wisconsin offers procedures that enable CLECs to engage in line splitting as defined by the FCC. The so-called line splitting orders referenced by WorldCom did not follow the established ordering procedures. In addition, if Ameritech Wisconsin had processed the orders as requested by WorldCom, it would have placed WorldCom's voice service over a data CLEC's network facilities without the permission of the data CLEC. (See Chapman Reply Comments at ¶¶ 40-46 and 55-59.)</p> <p><b>AT&amp;T:</b> Ameritech Wisconsin has failed to meet its obligation to categorize UNE-P with line splitting as a current combination of network elements. Ameritech Wisconsin continues to support the notion that UNE-P with line splitting becomes a new combination, even when the customer currently subscribes to Ameritech for residential voice and data services. Ameritech fails to meet its obligations for line splitting over UNE-P and for combinations in general. Additionally, Ameritech Wisconsin has never clarified its procedures for providing line splitting, let alone the various rates and charges it would assess under different line splitting scenarios. Contrary to the FCC and state commission orders requiring it to allow CLECs to provision line splitting on UNE-P, Ameritech takes the position that once line splitting is incorporated, UNEs are no longer "currently combined." This has many ramifications, most of which will only increase the costs nad inefficiency of CLEC voice/data sharing arrangements.</p> <p><b>AIT Response:</b> AT&amp;T is confusing the concept of performing a combination (or the work necessary to enable a combination) with the concept of providing a product that consists of combined elements. Ameritech Wisconsin does perform the work necessary to enable elements to be combined in a line splitting configuration. However, Ameritech Wisconsin does not, and cannot, offer as a product a combination of elements that do not all belong to Ameritech Wisconsin. (See Chapman Reply Comments at ¶¶ 17-23 of the current draft.)</p> <p>The procedures for line splitting are available on CLEC Online. (see Chapman Reply comments at ¶26 of the current draft) Contrary to AT&amp;T's portrayal of line splitting, line splitting is not a product offering, but an activity that CLECs may engage in using UNEs provided by Ameritech Wisconsin. As such, the charges associated with a configuration used by a CLEC engaging in line splitting would be the standard charges for the UNEs purchased (see Chapman Reply Comments at ¶27, ¶¶ 67-68)</p>	
5.	(v) Unbundled Local Transport Section 271(c)(2)(B)(v) of the competitive checklist requires a BOC to provide "[l]ocal transport from the trunk side of a wireline local exchange carrier switch unbundled from switching or other services." The Commission has required that BOCs provide both dedicated and shared	<p><b>AIT:</b> Section 271(c)(2)(B)(v) requires Ameritech Wisconsin to offer "[l]ocal transport from the trunk side of a wireline local exchange carrier switch unbundled from switching or other services." See also 47 C.F.R. § 51.319(d). Ameritech Wisconsin provides access to both dedicated interoffice transport and shared interoffice transport consistent with these unbundling requirements. Deere Aff. ¶¶ 6, 156-167; Alexander Aff. ¶¶ 90-95. In addition to</p>	

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	<p>transport to requesting carriers. Dedicated transport consists of BOC transmission facilities dedicated to a particular customer or carrier that provide telecommunications between wire centers owned by BOCs or requesting telecommunications carriers, or between switches owned by BOCs or requesting telecommunications carriers. Shared transport consists of transmission facilities shared by more than one carrier, including the BOC, between end office switches, between tandem office switches and tandem switches, and between tandem switches, in the BOC's network.</p>	<p>these standard offerings, a CLEC may seek new or additional unbundled transport elements through the Bona Fide Request process. Deere Aff. ¶ 8. Performance measures, similar to those described under unbundled local loops, help ensure the timeliness and reliability of ordering, provisioning, maintenance and billing for this checklist item. Ehr Aff. ¶¶ 191-195.</p> <p>AIT: Dedicated Transport - Dedicated transport is available at standard transmission speeds of up to OC-48 between all points required by law, including wire centers or switches owned by Ameritech Wisconsin or a CLEC. Deere Aff. ¶ 165; Alexander Aff. ¶¶ 91-92. Higher speeds will be provided as they are deployed in Ameritech Wisconsin's wire centers. Deere Aff. ¶¶ 164-165; Alexander Aff. ¶ 92. Ameritech Wisconsin also permits CLECs to use dark fiber for dedicated transport, in conformance with the UNE Remand Order. Deere Aff. ¶ 168; Alexander Aff. ¶ 93. In addition, Ameritech Wisconsin allows CLECs to use its Digital Cross-Connect System to exchange signals between high-speed digital circuits without returning the circuits to analog electrical signals, with the same functionality that Ameritech Wisconsin provides its IXC customers. Deere Aff. ¶¶ 171-172.</p> <p>AIT: Shared Transport - In accordance with the UNE Remand Order, Ameritech Wisconsin makes available shared transport between Ameritech Wisconsin central office switches, between Ameritech Wisconsin tandem switches, and between Ameritech Wisconsin tandem switches and Ameritech Wisconsin central office switches. Deere Aff. ¶¶ 157-159. Ameritech Wisconsin's shared transport offering also includes a transiting function to route a CLEC's local traffic to a non-Ameritech Wisconsin switch. Id. ¶ 160. This shared transport offering enables CLECs to have their local traffic carried in the same way that Ameritech's own local traffic routes over shared transport. Id. ¶¶ 159, 161, 163; Alexander Aff. ¶ 94. These CLECs may use shared transport to carry originating interexchange access traffic from, and terminating interexchange access traffic to, customers to whom the CLEC is providing local exchange service, while collecting the associated access charges. Id.</p> <p>Norlight: See response for checklist requirement 4.</p> <p><b>AIT Response: Mr. Walters of Z-Tel is incorrect when he claims Ameritech does not provide Unbundled Shared Transport. Ameritech clearly makes ULS-ST available under both tariff and interconnection agreement (See Alexander Reply Aff. ¶¶ 30-32). This includes the capability for the CLEC to provide intraLATA toll over the ULS-ST offering Pursuant to AT&amp;T arbitration order</b></p> <p>AIT: Ameritech Wisconsin also satisfies section 271(c)(2)(B) (vi), which requires that a BOC provide local switching, unbundled from transport, local loop transmission, or other services. Ameritech Wisconsin provides CLECs unbundled local switching capability encompassing all features, functions and capabilities of the local switch. Deere Aff. ¶¶ 177-179; Alexander Aff. ¶¶ 96-97. Ameritech Wisconsin will also provide tandem switching and packet switching in accordance with the UNE Remand Order and FCC rules. Deere Aff. ¶¶ 175-176, 199-208. Performance measures, similar to those described under unbundled local loops, help ensure the timeliness and reliability of ordering, provisioning, maintenance and billing for this checklist item. Ehr Aff. ¶¶ 196-200.</p> <p>AIT: Available Facilities and Functions - Ameritech Wisconsin provides requesting carriers access to line-side and trunk-side switching facilities, plus the features, functions, and capabilities of the switch. Deere Aff. ¶¶ 177, 179, 196; Alexander Aff. ¶¶ 96-98; see also Texas 271 Order, ¶¶ 336-338. Ameritech Wisconsin's offerings include, among other things, the connection between a loop termination and a switch line card, Deere Aff. ¶ 177; the connection between a trunk termination and the trunk card, id. ¶ 178; all vertical features the switch is capable of providing, id. ¶ 179; and any technically feasible routing features, id. The</p>	
6.	<p>(vi) Unbundled Local Switching. Section 271(c)(2)(B)(vi) of the 1996 Act requires a BOC to provide "[l]ocal switching unbundled from transport, local loop transmission, or other services. The features, functions, and capabilities of the switch include the basic switching function as well as the same basic capabilities that are available to the incumbent LEC's customers. Additionally, local switching includes all vertical features that the switch is capable of providing, as well as any technically feasible customized routing functions.</p>		

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		<p>various unbundled switch port types are listed in Mr. Deere's affidavit (¶ 197) and CLECs can request additional port types through the BFR process. Id. ¶ 196. Ameritech Wisconsin also provides CLECs with the necessary cross-connects for local switching. Id. ¶¶ 208-215. Ameritech Wisconsin provides CLECs access to all call origination and completion capabilities of the switch, including capabilities for intraLATA and interLATA calls. Id. ¶ 181; Alexander Aff. ¶ 101.</p> <p>AIT: Billing - Ameritech Wisconsin also furnishes CLECs with usage records that enable them to collect from their customers all exchange access, toll, and reciprocal compensation charges associated with these capabilities. Deere Aff. ¶ 181; Alexander Aff. ¶¶ 102-103. Ameritech Wisconsin gives any CLEC using Unbundled Local Switching a Daily Usage File showing per call billing detail for each line-side ULS port. Alexander Aff. ¶ 102; Kagan Aff. ¶¶ 16, 20.</p> <p>AIT: Customized Routing - Ameritech Wisconsin provides two methods by which CLECs using unbundled local switching may have OS/DA calls custom routed according to their own specifications: Advanced Intelligent Network ("AIN") and line class codes. Deere Aff. ¶¶ 184-188. AIN is the standard method (Id. ¶ 184), which has been used in SWBT states for some time and which was introduced in the Ameritech region in the Fall of 2000. AIN is a vendor independent network architecture that allows the creation of customized telecommunications services. In a few low-volume applications where AIN is not technically feasible (such as for hotel/motel services, certain coin services, and ports using voice-activated dialing), Ameritech Wisconsin employs line class codes to custom-route CLEC calls. Id. ¶ 185. CLECs also may request non-AIN custom routing for OS/DA through the BFR process. Id. ¶ 187.</p> <p>Norlight does not have any response at this time with regard to Ameritech's compliance with this checklist requirement.</p> <p>WCOM: According to the KPMG Interim Report, Ameritech still has not satisfied several criteria relating to accurate and timely wholesale billing for UNE-P. There are still open observations and exceptions. This will be an important issue in Phase 2 of this proceeding as Ameritech is obligated to provide timely and accurate wholesale bills. (WorldCom Initial Comments, Exh. 3 (KPMG Interim Report at 67-68)). WorldCom also expressly reserved its right to file an affidavit regarding Ameritech Wisconsin's billing systems once it had sufficient data from its local launch to address flaws therein. (WorldCom Initial Comments at 19-20). (Factual; Legal; OSS)</p> <p>WCOM: Ameritech fails to provide customized routing of OS/DA calls consistent with FCC requirements. Thus, Ameritech fails to satisfy Checklist Item 6. Ameritech has not proven that it can provide a workable version of customized routing to WorldCom for OS/DA calls that is consistent with the FCC rules. WorldCom has requested that Ameritech route WorldCom's OS/DA traffic to WorldCom's existing, shared access. Feature Group D trunks between Ameritech's local network and WorldCom's long distance network. WorldCom has shown that this type of routing is technically feasible. Moreover, in its UNE Remand Order (¶141, n. 867) the FCC stated that "customized routing permits requesting carriers to designate the particular outgoing trunks associated with unbundled local switching provided by the incumbent. (Caputo Aff. ¶¶ 2-28). (Factual; Legal; OSS; UNE Cost)</p> <p>AIT Response: As discussed starting at paragraph 188 of Mr. Deere's Affidavit, the FCC has approved 271 applications for several states that offer the same type of custom calling arrangements as is being offered in Wisconsin. In fact, just recently, the FCC has approved the same type of customized routing arrangements for Arkansas and Missouri. The same</p>	

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		<p>FCC order that Mr. Caputo relies upon to support his position that Ameritech Wisconsin must develop WorldCom's form of customized routing requires the CLEC to issue a BFR to initiate the development process. (Deere Rebuttal ¶ 43) Since WorldCom has not made the required Bona Fide Request to Ameritech Wisconsin, it cannot complain that Ameritech Wisconsin is withholding anything. WorldCom has admitted that the type of customized routing requested is not currently technically feasible on many of the switches used in Wisconsin. (Deere Rebuttal ¶ 48)</p> <p>In the recent Arbitration Award in Case 05-MA-120, the Arbitration Panel stated in Issue 14: [T]he Panel agrees with Ameritech that the provision of custom routing is sufficient to allow CLECs to meet this need. The OSS collaborative has stated that it accepts Ameritech provision of direct trunked, custom routed OS/DA traffic, and that Ameritech's provision of branded OS/DA, using Service Provider Identification (SPID) generally meets the CLECs' needs in this matter.</p> <p>At Issue 99, the Arbitration Panel stated: The Panel finds that AT&amp;T should be able to obtain custom routing of OS/DA services. However, the Panel finds that Ameritech's offering of AIN based routing, together with LCC routing where implemented or via BFR, reasonably meets this requirement.</p> <p><b>AT&amp;T:</b> Ameritech has improperly placed limitations on AT&amp;T's (and presumably other competitive local exchange carriers' ("CLECs")) access to certain switch functionality, specifically "remote access call forwarding," one of the "CLASS" features of its switches. Van de Water Aff., ¶¶ 16-27.</p> <p><b>AIT Response:</b> Ameritech Wisconsin is working to respond to AT&amp;T's concerns in this matter. A process is scheduled to be implemented by September 2002 to make the RACF feature available using an LSR. In those switches where the feature where it is still activated (See Alexander Reply Aff. ¶¶ 33-35).</p>	
7.	<p><b>(vii) 911/E911 Access and Directory Assistance/ Operator Services</b> - "section 271 requires a BOC to provide competitors access to its 911 and E911 services in the same manner that a BOC obtains such access, i.e., at parity." Specifically, the Commission found that a BOC "must maintain the 911 database entries for competing LECs with the same accuracy and reliability that it maintains the database entries for its own customers. For facilities-based carriers, the BOC must provide "unbundled access to [its] 911 database and 911 interconnection, including the provision of dedicated trunks from the requesting carrier's switching facilities to the 911 control office at parity with what [the BOC] provides to itself." Section 271(c)(2)(B)(vii)(I) and section 271(c)(2)(B)(vii)(III) require a BOC to provide nondiscriminatory access to "directory assistance services to allow the other carrier's customers to obtain telephone numbers" and "operator call completion services," respectively.</p> <p>Competing carriers may provide operator services and directory assistance by reselling the BOC's services, outsourcing service provision to a third-party provider, or using their own personnel and facilities. The Commission's rules require BOCs to permit competitive LECs wishing to resell the BOC's operator services and directory assistance to request the BOC to brand their calls.</p>	<p><b>AIT:</b> Ameritech Wisconsin satisfies this requirement by providing CLECs with access to 911 and E911 services at parity with the manner in which Ameritech Wisconsin itself obtains such access. The obligation to do so is reflected in Ameritech Wisconsin's 911 tariff and interconnection agreements. Valentine Aff. ¶ 5; Alexander Aff. Attach. A.</p> <p><b>AIT:</b> Access to 911 and E911 services is provided to local municipalities pursuant to tariff and contract. Ameritech Wisconsin provides CLEC customers access to the 911 services selected by the municipality in a manner identical to the 911 service supplied to Ameritech Wisconsin's own customers. Valentine Aff. ¶ 14. CLECs can provide 911 service directly to municipalities or may interconnect with Ameritech Wisconsin's existing services arrangement at the request of the governmental body. Id.</p> <p><b>AIT:</b> Facilities-based CLECs obtain nondiscriminatory access to 911 and E911 service through dedicated trunks from their facilities to the 911 control office, which Ameritech Wisconsin provides at parity with what it provides to itself. See Valentine. ¶¶ 17-18. Ameritech Wisconsin also provides CLECs with a wide variety of tools to submit, update, and correct customer information in the 911 database in the same manner as Ameritech Wisconsin. Among other things, Ameritech Wisconsin provides CLECs with all necessary street address information for the areas where the CLEC operates in order to allow the CLEC to create the necessary customer files for Automatic Location Identification ("ALI"). Id. ¶ 20. This makes administration of the Master Street Address Guide ("MSAG," which contains the criteria for routing 911 calls and identifies the responding agencies) more efficient for the 911 customer and the CLEC. Id. ¶ 21. It also reduces the potential for error by maintaining a</p>	

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		<p>single mechanized MSAG that is under the control of the 911 customer (the municipality) and used by all service providers who interconnect with the 911 systems provided by Ameritech Wisconsin. Id. A CLEC can view a copy of the MSAG electronically, including individual end-user records, and can periodically obtain its own mechanized copy of the MSAG. Id.</p> <p>AIT: Ameritech Wisconsin and its 911 Database Services Provider, Intrado (formerly known as SCC Communications Corporation), detect and correct data errors for CLEC customers in the 911 databases in the same manner and by the same employees that detect and correct errors for Ameritech Wisconsin's customers. Id. ¶¶ 24-25. Each switch-based service provider is responsible for electronically uploading and maintaining the 911 database information for its customers. Id. ¶ 25. When files containing a CLEC's customer records are uploaded, the Transaction Services System ("TSS") processes the file against the MSAG and the CLEC receives a statistical report confirming the number of records processed and an error file with any records that failed the system edits. Id. The error file provides codes explaining the reason each record failed to pass the edits, and the CLEC is then responsible for correcting the record and resubmitting it to the TSS. Id. Ameritech Wisconsin also provides CLECs with an electronic comparison file containing the 911 database information for the CLEC's customers served through UNE switch ports. Id. ¶ 27. The CLEC can use that file to check accuracy and submit any necessary corrections to Ameritech Wisconsin. Id. This comparison process was recently implemented in Wisconsin and, subject to CLEC feedback, will be finalized and then posted on the SBC.CLEC.Online website. Id.</p> <p>AIT: Resellers are able to provide 911 service to their customers in the same manner Ameritech Wisconsin does for its customers. Id. ¶ 32. End-user records for resale customers are included in the files that Ameritech Wisconsin uploads to TSS for its own customers. Id. If Ameritech Wisconsin's error file shows error for a resale customer record, Ameritech Wisconsin or Intrado employees correct errors that can be resolved by issuing a service order. Id. ¶ 33.</p> <p>AIT: Ameritech Wisconsin has taken numerous steps to maintain the accuracy of the 911 database, including by giving CLECs a wide variety of new tools to ensure the accuracy of the end-user information they submit for 911 purposes. These include both dedicated 911 managers to facilitate CLEC 911 service and different electronic tools for inputting, reviewing, and correcting end-user data. Id. ¶ 6.</p> <p>AIT: To monitor the above processes on an ongoing basis, Ameritech Wisconsin reports performance data on the average time to process the 911 update files (PM 104) and to clear errors upon detection. Ehr Aff. ¶¶ 203, 206. Both are subject to standards that require nondiscrimination. Id.</p> <p>AIT: Directory Assistance/Operator Services - Ameritech Wisconsin meets its obligations under section 251 of the Act and checklist item no. (vii) (II) and (III) by providing CLECs with nondiscriminatory access to the following services (Rogers Aff. ¶ 3):</p> <ul style="list-style-type: none"> <li>• Operator Services ("OS"), including adjunct Operator Call Completion Services;</li> <li>• Directory Assistance ("DA") Services, including Information Call Completion/Directory Assistance Call Completion;</li> <li>• Directory Assistance Listings ("DAL") in bulk format; and</li> <li>• Direct Access to the DA database on a query-by-query basis.</li> </ul> <p>AIT: Custom routing is available to CLECs throughout Wisconsin and is included in Wisconsin interconnection agreements. Id.; Deere Aff. ¶¶ 184-193. This custom routing uses</p>	

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		<p>the same technology used by Ameritech Wisconsin to route OS/DA traffic from its end offices to Ameritech Wisconsin's operator switches; thus, Ameritech Wisconsin provides nondiscriminatory custom routing capabilities. Deere Aff. ¶¶ 184-195. Competing carriers in Wisconsin, therefore, can route their OS/DA traffic to a platform of their own or another provider of OS/DA services, or choose Ameritech Wisconsin as provider of OS/DA services on the CLEC's behalf. Rogers Aff. ¶¶ 15, 16, 19. Ameritech Wisconsin's custom routing option meets the FCC's requirements, as affirmed in the Kansas &amp; Oklahoma 271 Order (¶ 242 &amp; n.730). Deere Aff. ¶¶ 188-194. Accordingly, Ameritech Wisconsin makes OS/DA service available at market-based rates. Rogers Aff. ¶ 18.</p> <p>AIT: Incumbent LECs are still bound by their obligations under section 251(b)(3) to provide nondiscriminatory access to operator services, directory assistance services and directory assistance listings to competing providers. See Rogers Aff. ¶ 34. Ameritech Wisconsin provides nondiscriminatory access to operator services, directory assistance, and directory assistance listings pursuant to section 251(b)(3) of the Act. See id. ¶¶ 5-8, 12, 34.</p> <p>AIT: Ameritech Wisconsin has implemented OS and DA service arrangements for several facilities-based CLECs and resale CLECs in Wisconsin. Rogers Aff. Attachment A. Operator services provided by Ameritech Wisconsin include automated call assistance and manual call assistance (including operator assistance, busy line verification, busy line verification interrupt, and operator transfer service) and are identical to the services available to Ameritech Wisconsin itself. Id. ¶ 24. Likewise, Ameritech Wisconsin's DA Services offering complies with the terms of the 1996 Act and 47 C.F.R. § 51.217(c)(3). Id. ¶¶ 23, 28. Services provided by Ameritech Wisconsin to CLECs are identical to the services provided by Ameritech Wisconsin's own retail operation and include provisioning of subscriber listing information, address and published phone numbers, and call completion. Id. ¶ 23.</p> <p>AIT: Ameritech Wisconsin upgraded its OS/DA switches to make branding capability available to CLECs in Wisconsin utilizing shared trunking. This branding option is available to resale CLECs and facilities-based carriers that use Ameritech Wisconsin's unbundled local switching. Id. ¶ 25.</p> <p>AIT: Ameritech Wisconsin further ensures nondiscriminatory access to OS and DA by processing all calls in the order they are received from all end users accessing OS or DA (i.e. first in, first served). Id. ¶ 32. Since the operator switch and the calls waiting queue cannot discern any difference among callers – handling every call on a first in, first served basis – end user customers of other carriers inherently receive exactly the same answer performance that Ameritech Wisconsin end- users receive. Id.</p> <p>AIT: Directory Assistance Listings and Direct Access to DA Database - Ameritech Wisconsin also has obligations under the Act [251(b)(3)]. FCC rules and current interconnection agreements to provide directory assistance listing ("DAL") information. Rogers Aff. ¶ 27. Ameritech Wisconsin will provide DAL information in bulk format to a CLEC that chooses to provide its own DA services and has amended its interconnection agreements to provide for CLEC access to DAL information via magnetic tape, cassette, or electric transmission. Id. ¶ 29. Daily updates are provided by Ameritech Wisconsin in compliance with 47 C.F.R. § 51.217 (c)(3)(ii) and Section 251(b)(3) of the Act. Rogers Aff. ¶ 29. In addition, Ameritech Wisconsin offers nondiscriminatory access to directory assistance listings in its DA database. Id. ¶¶ 27-28. Consistent with Section 251(b)(3), and the FCC rule (47 C.F.R. § 51.217(c)(3)(i)) that any telephone customer should be able to access any listed number of any carrier on a nondiscriminatory basis. Ameritech Wisconsin offers an agreement whereby a CLEC receives Ameritech Wisconsin's DA bulk listing information on a statewide.</p>	

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		<p>geographic area or class of service basis. Rogers Aff. ¶ 29. In compliance with 47 C.F.R. § 51.217(c)(3)(ii), Ameritech Wisconsin provides all the listings in Ameritech Wisconsin's DA database to such carriers regardless of the identity of the end user's underlying local exchange provider. Rogers Aff. ¶ 29.</p> <p>AIT: In addition, Ameritech Wisconsin offers CLECs physical interconnection with direct access, on a query-by-query basis, to the same DA database that is accessed by Ameritech Wisconsin operators for DA purposes and in the same format as is available to those operators. Id. ¶ 30. As required by 47 C.F.R. § 51.217(c)(2), Ameritech Wisconsin provides CLEC end users nondiscriminatory access to OS and DA Services through the same dialing arrangements Ameritech Wisconsin uses for its own customers. Rogers Aff. ¶ 32. Thus, consistent with 47 C.F.R. § 51.217(b), there is no unreasonable dialing delay. Rogers Aff. ¶ 32.</p> <p>Norlight does not have any response at this time with regard to Ameritech's compliance with this checklist requirement.</p> <p>WCOM: Although the FCC has determined that Directory Assistance Listing (DAL) database is a UNE, Ameritech today does not offer DAL at TELRIC rates. Ameritech must provide DAL information to WorldCom at TELRIC rates, which is the only nondiscriminatory and reasonable pricing for this type of information. The FCC in its DAL Provisioning Order found that Section 251(b)(3) of TA96 prohibits ILECs from charging discriminatory and unreasonable rates to CLECs and other eligible directory assistance providers. Until Ameritech provides DAL at TELRIC rates, Ameritech has not met Checklist Item 7. (Lehmkuhl Aff. ¶¶ 15-20). (Factual; Legal; UNE Cost)</p> <p>WCOM: Ameritech fails to provide customized routing of OS/DA calls consistent with FCC requirements. Thus, Ameritech fails to satisfy Checklist Item 7. Ameritech has not proven that it can provide a workable version of customized routing to WorldCom for OS/DA calls that is consistent with the FCC rules. WorldCom has requested that Ameritech route WorldCom's OS/DA traffic to WorldCom's existing, shared access, Feature Group D trunks between Ameritech's local network and WorldCom's long distance network. WorldCom has shown that this type of routing is technically feasible and has provided information to Ameritech to prove this fact. Moreover, in its UNE Remand Order (¶¶ 441, n. 867) the FCC stated that "customized routing permits requesting carriers to designate the particular outgoing trunks associated with unbundled local switching provided by the incumbent. Unless and until Ameritech provides customized routing as required by the FCC, it must provide both OS and DA as UNEs (i.e., unbundled access). (Caputo Aff. ¶¶ 2-28; UNE Remand Order, ¶462). (Factual; Legal; UNE Cost)</p> <p>AIT RESPONSE: WorldCom's claim that DAL should be a UNE was rejected by the FCC in 1999. WorldCom cites paragraph 538 of the <i>First Report and Order</i>, but WorldCom neglects to mention that <i>The First Report and Order</i> was superseded by the <i>Third Report and Order</i> ("The UNE Remand Order"). In response to WorldCom's comments in that proceeding, The UNE Remand Order expressly excludes from the unbundling requirement directory assistance listing updates in daily electronic batch files --i.e., DAL. Thus, the FCC has already excluded from the unbundling requirement the very thing that WorldCom is asking for in this proceeding. (Nations Aff. ¶ 5, UNE Remand ¶ 444)</p> <p>AIT RESPONSE: the FCC reasoned, in its <i>UNE remand order</i>, that the obligation of all local exchange providers ("LECs") to provide nondiscriminatory access to DAL already existed in section 251(b)(3) of the 1996 act and, therefore, it declined to include DAL within the definition of OS/DA.</p>	



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8.	<p>(viii) <b>White Pages Directory Listings</b> - Section 271(c)(2)(B)(viii) of the 1996 Act requires a BOC to provide "[w]hite pages directory listings for customers of the other carrier's telephone exchange service." Section 251(b)(3) of the 1996 Act obligates all LECs to permit competitive providers of telephone exchange service and telephone toll service to have nondiscriminatory access to directory listing. The Commission's Second BellSouth Louisiana Order also held that a BOC satisfies the requirements of checklist item 8 by demonstrating that it: (1) provided nondiscriminatory appearance and integration of white page directory listings to competitive LECs' customers; and (2) provided white page listings for competitors' customers with the same accuracy and reliability that it provides its own customers.</p>	<p>based on this FCC ruling, Ameritech Wisconsin is clearly not required to offer dal as a une. in fact, as Worldcom concedes in its comments to the FCC in the Triennial Review (Docket No. 01-338, p. 128), filed April 4, 2002, the UNE Remand Order did not designate DAL in bulk as a UNE. Further, WorldCom argued that DAL should be TELRIC priced in FCC docket 99-273 (Directory Listing Information Order). However the FCC declined to require DAL at TELRIC in that proceeding as well. The issue of disagreement is whether Ameritech Wisconsin is obligated to provide names, addresses and telephone numbers (DAL), for WorldCom to incorporate into its DA database, as UNEs at TELRIC rates. Regardless of WorldCom's position, Ameritech Wisconsin does provide its DA listings on a nondiscriminatory basis as required by Section 271 Checklist item vii and Section 251(b)(3) of the Act. (Nations Aff. ¶¶ 6 &amp; 13, UNE Remand ¶ 444, Directory Listing Order ¶ 7)</p> <p>AIT: In accordance with § 271(c)(2)(B)(viii) of the Act, Ameritech Wisconsin provides "[w]hite pages directory listings for customers of the other carrier's telephone exchange service," by ensuring that its directory publishing affiliate publishes and integrates the primary listings of a CLEC's customers located within the geographic scope of White Page ("WP") directories serving Ameritech Wisconsin's customers, in the same manner (and integrated into the same directory) as the listings of Ameritech Wisconsin's customers. Kniffen-Rusu Aff. ¶ 3. CLEC, Ameritech Wisconsin and Independent telephone company listings in Ameritech Wisconsin's WP directories all include the subscriber's name, address and telephone number. Id. Ameritech Wisconsin takes reasonable and appropriate steps to ensure that CLEC customer listings are maintained with the same accuracy and reliability as Ameritech Wisconsin customer listings. Id.</p> <p>AIT: A primary WP listing for each end user is furnished to a CLEC providing services via resale and UNE-P in the same manner (including size, font, and typeface) as Ameritech Wisconsin provides for its own retail customers. Kniffen-Rusu Aff. ¶ 4. In addition, carriers who provide local exchange service through unbundled local switching, or some combination of unbundled network elements and their facilities, or solely through their own facilities, can also include their customers' primary listings in Ameritech Wisconsin's WP directory in the same manner as Ameritech Wisconsin provides for its own retail customers. Id. As of February, 2002, directories serving Ameritech Wisconsin customers contain over 147,100 listings of CLEC end user customers. Id.</p> <p>AIT: Ameritech Wisconsin provides resellers and CLECs that use UNE-P with instructions for proper submission of WP listings by offering instructions on its CLEC Handbook website (<a href="https://clec.sbc.com">https://clec.sbc.com</a>) and by offering a variety of training workshops. Ameritech also supports switched-based CLECs' capability to order WP listings for their customers by providing instructions for the proper ordering and formatting of WP listings in the CLEC Handbook website and by offering a variety of training workshops. Kniffen-Rusu Aff. ¶ 9. Other information regarding Ameritech Wisconsin's WP listings and WP directories, including directory close dates, are available to CLECs in the CLEC Handbook. Id. ¶ 12. As a result of extensive negotiations in the Wisconsin collaborative, made binding pursuant to a joint progress report in PSCW Docket No. 6720-TI-160, Ameritech Wisconsin implemented an enhancement that allows CLECs to request WP listings from Ameritech Wisconsin's publishing affiliate at the same time (and via the same interface) they submit an order for local service. Cottrell Aff. ¶¶ 126-128.</p> <p>AIT: Ameritech Wisconsin treats all CLEC end user WP listings in the same manner it treats its own retail listings. Kniffen-Rusu Aff. ¶ 14. The same WP database contains names, addresses, telephone numbers, directory listing format, and directory delivery information for Ameritech Wisconsin and CLEC end users alike. Id. Ameritech Wisconsin's WP database updates the directory assistance ("DA") database each night and treats all updates in the</p>	

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		<p>same manner, regardless of the underlying carrier. Id. ¶ 15. White Page directory listings for CLEC end users reach Ameritech Wisconsin's WP database in the same manner and within the same time frame as White Page directory listings for Ameritech Wisconsin's retail end users. Id.</p> <p>AIT: Ameritech Wisconsin offers CLECs the option of receiving two verification review reports. Kniffen-Rusu Aff. ¶ 16. Ameritech Wisconsin's performance standards require it to correct 95% of the corrections by the second review or otherwise waive the charge for the second verification report. Id. ¶ 17. Ameritech Wisconsin must correct 99% of corrections requested in the second review in time for the final published directory. Id.; Ehr Aff. ¶ 214.</p> <p>AIT: Each subscriber of CLEC resale and UNE-P services will receive delivery of the Ameritech Wisconsin white pages directory in the same manner and at the same time that copies are delivered to Ameritech Wisconsin's retail subscribers during the annual delivery of newly published directories. Kniffen-Rusu Aff. ¶ 7. In addition, CLECs may arrange for initial and secondary delivery (i.e. between annual delivery dates) of White Pages directories to switch-based customers on the same basis as Ameritech Wisconsin's own retail customers. Id. Ameritech Wisconsin has arranged with its directory publishing affiliate so that a CLEC may include customer-contact information (for example, the CLEC's business office, residence office, and repair bureau telephone numbers) on the same "index-type" informational page that lists Ameritech Wisconsin contact information. Id. ¶ 8.</p> <p>Norlight does not have any response at this time with regard to Ameritech's compliance with this checklist requirement.</p> <p>AT&amp;T: Ameritech is not providing nondiscriminatory access to white pages directory listings. Ameritech's directory listing ordering process discriminates against facilities-based CLECs. If a CLEC directory order involves resale service or UNE-P services, the CLEC integrates its directory listing order with the LSR and Ameritech processes that order via one interface – i.e., all completion notice, rejects, etc. are sent by Ameritech to the CLEC electronically over the same EDI interface by which the CLEC sends it directory order. The same holds true for Ameritech's retail directory listing orders. On the other hand, when a facilities-based CLEC places a directory order with Ameritech, all responses (e.g., completion notices, rejects, and edits) are provided from AAS via fax, phone, or email. Thus, the facilities-based CLEC must maintain a separate manual interface for these responses. Willard Aff. ¶¶ 93 – 99.</p> <p>Ameritech's method for allowing CLECs access to directory listings is also discriminatory. Access to that listing is commonly referred to as "directory listing inquiries," which is a generally accepted pre-ordering inquiry. For its own retail customers Ameritech accesses its directory listings from its own databases as part of its customer service records. CLECs using UNE-P or resale access their customers' directory listings directly from Ameritech's databases via a pre-ordering EDI functionality. However, Ameritech does not provide directory-listing inquiries for facilities-based CLECs (e.g., CLECs entering the market via the UNE-loop entry strategy). Instead, CLECs that need access to these listings are required to process their inquiries through a separate EDI interface with AAS. Willard Aff. ¶¶ 100 – 102.</p> <p>AIT Response: An enhancement was implemented in June 2001 in complete fulfillment of the directory listings ordering commitment made by Ameritech during PSCW-sponsored OSS collaboratives. With this enhancement, switch-based CLECs are able to access through Ameritech's EDI ordering interface all the same directory listings ordering functionality previously available only through AAS's EDI interface. Cottrell Reply Aff. ¶¶ 43 – 57. Ameritech will be integrating some of the directory listings inquiry functionality provided by</p>	

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9.	(ix) Numbering Administration - Section 271(c)(2)(B)(ix) of the 1996 Act requires a BOC to provide "nondiscriminatory access to telephone numbers for assignment to the other carrier's telephone exchange service customers," until "the date by which telecommunications numbering administration, guidelines, plan, or rules are established." The checklist mandates compliance with "such guidelines, plan, or rules" after they have been established. A BOC must demonstrate that it adheres to industry numbering administration guidelines and Commission rules.	<p>AAS's GUI listing inquiry interface into Ameritech's pre-ordering interface. That release is scheduled for implementation in August 2002. Cottrell Reply Aif ¶ 57.</p> <p>AIT: Checklist item (ix) requires that Ameritech Wisconsin provide, "[u]ntil the date by which telecommunications numbering administration guidelines, plans, or rules are established, nondiscriminatory access to telephone numbers for assignment to the other carrier's telephone exchange service customers." 47 U.S.C. § 271(c)(2)(B)(ix). The FCC's rules, in turn, require that an ILEC permit compelling providers to have access to telephone numbers that is identical to the access the ILEC provides itself. 47 C.F.R. § 51.217(e)(i).</p> <p>AIT: Prior to March 29, 1999, Ameritech Wisconsin's parent Ameritech served as Central Office ("CO") Code Administrator in its region. In that capacity, Ameritech satisfied the requirement of 47 U.S.C. § 271(c)(2)(B)(ix) by providing non-discriminatory access to telephone numbers for all carriers in accordance with the Central Office Code Assignment Guidelines ("Assignment Guidelines") and the NPA Code Relief Planning Guidelines ("NPA Relief Guidelines"). Mondon Number Administration Aif. ¶ 10. Pursuant to those industry-standard procedures, Ameritech assigned 222 NXX central office codes (representing over 2.2 million telephone numbers) to 19 different CLECs in Wisconsin. Id. ¶ 12.</p> <p>AIT: On March 29, 1999, NeuStar (formerly Lockheed Martin) assumed CO code administration responsibilities in Wisconsin, and Ameritech has had no responsibility for number administration since that time. Id. ¶ 16. Although it is no longer a CO code administrator, and no longer performs any functions with regard to number administration or assignment, Ameritech (as a service provider) continues to adhere to numbering administration rules and industry guidelines. Id.</p> <p>Norlight does not have any response at this time with regard to Ameritech's compliance with this checklist requirement.</p>	
10.	(x) Databases and Associated Signaling - Section 271(c)(2)(B)(x) of the 1996 Act requires a BOC to provide "nondiscriminatory access to databases and associated signaling necessary for call routing and completion." In the Second BellSouth Louisiana Order, the Commission required BellSouth to demonstrate that it provided requesting carriers with nondiscriminatory access to: "(1) signaling networks, including signaling links and signaling transfer points; (2) certain call-related databases necessary for call routing and completion, or in the alternative, a means of physical access to the signaling transfer point linked to the unbundled database; and (3) Service Management Systems (SMS)." The Commission also required BellSouth to design, create, test, and deploy Advanced Intelligent Network (AIN) based services at the SMS through a Service Creation Environment (SCE). In the Local Competition First Report and Order, the Commission defined call-related databases as databases, other than operations support systems, that are used in signaling networks for billing and collection or the transmission, routing, or other provision of telecommunications service. At that time the Commission required incumbent LECs to provide unbundled access to their call-related databases, including but not limited to: the Line Information Database (LIDB),	<p>AIT: Interoffice Signaling Systems - Ameritech Wisconsin provides nondiscriminatory access to its signaling links and signal transfer points ("STPs") on an unbundled basis. Deere Aif. ¶ 231; 47 C.F.R. § 51.319(e). SS7 Interconnection Service is provided to CLECs for their use in furnishing SS7-based services to their end users or the end users of other CLECs subsuming the service switching point ("SSP") or STP of the interconnecting CLEC. Deere Aif. ¶ 231. This arrangement, which is identical to the one used by Ameritech Wisconsin itself, permits CLECs to use Ameritech Wisconsin's SS7 signaling network for signaling between CLEC switches, between CLEC switches and Ameritech Wisconsin's switches, and between CLEC switches and the networks of other parties connected to the Ameritech Wisconsin SS7 network. Id.; 47 C.F.R. § 51.319(e)(1).</p> <p>AIT: When a CLEC purchases unbundled switching capability from Ameritech Wisconsin, Ameritech Wisconsin provides access to its signaling network in the same manner that it provides such access to itself. Deere Aif. ¶ 232. Because all unbundled switching elements are provided on switches that Ameritech Wisconsin uses to provide service to its own customers, all signaling functions are identical. Id.; 47 C.F.R. § 51.319 (e)(1)(A).</p> <p>AIT: Ameritech Wisconsin's Signaling Access Service provides access to the Ameritech Wisconsin SS7 network. Deere Aif. ¶ 233. Access to the network is provided by subscribing to a Dedicated Network Access Link as described in Ameritech Operating Companies Tariff F.C.C. No. 2, Section No. 8, and a dedicated STP port for telecommunications carriers with</p>	

<sup>13</sup> Virginia Arbitration Order, ¶ 520.

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	<p>the Toll Free Calling database, the Local Number Portability database, and Advanced Intelligent Network databases. In the UNE Remand Order, the Commission clarified that the definition of call-related databases "includes, but is not limited to, the calling name (CNAM) database, as well as the 911 and E911 databases."</p>	<p>their own STPs and/or SSPs. Id. Access is also provided for the carrier subscribing to the Unbundled Local Switching Service. Id.</p> <p>AIT: Call Related Databases -The FCC's rules interpret section 271(c)(2)(B)(x) of the Act to require nondiscriminatory access to call-related databases. 47 C.F.R. § 52.319(e). As described more fully in the affidavits of Messrs. Deere and Alexander, Ameritech Wisconsin meets the requirements of the Act by providing CLECs nondiscriminatory unbundled access to Ameritech Wisconsin's Advanced Intelligent Network ("AIN") database, the Toll Free Calling/800 database, nondiscriminatory unbundled access to the same Line Information Database ("LIDB") and Calling Name Database ("CNAM") functions used by Ameritech Wisconsin, and Ameritech Wisconsin's LIDB Service Management System, known as the Operator Services Marketing Order Processor ("OSMOP"). Deere Aff. ¶ 239; Alexander Aff. ¶¶ 105-112. All data in each of these databases are maintained in accordance with the confidentiality requirements of the Act. Deere Aff. ¶ 274.</p> <p>Norlight does not have any response at this time with regard to Ameritech's compliance with this checklist requirement.</p> <p>WCOM: Ameritech is not providing nondiscriminatory access to the Line Information Database (LIDB) or Calling Name Database (CNAM). With regard to LIDB, Ameritech Wisconsin currently limits WorldCom's use of its LIDB database as a UNE only in those cases where WorldCom would use it to provision local service. In those cases where it would be used by WorldCom to validate non-local calls, Ameritech does not treat LIDB as a UNE and charges a significantly higher, non-TELRIC based price for a database query. This restriction is discriminatory because the unbundling provisions of TA96 specifically give CLECs the right to use unbundled network elements for the provision of a telecommunication service. The FCC reaffirmed this in the UNE Remand Order, ¶484. Lehmkuhl Aff. ¶¶64-72. Regarding CNAM, Ameritech Wisconsin refuses to provide with access to CNAM as a batch download as opposed to per-query access. Access to CNAM downloads, as opposed to the more expensive per-query form of CNAM access, is crucial to WorldCom's ability to offer such products economically and to compete in the current market. Because the CNAM database has been deemed UNE, Ameritech Wisconsin is required to provide access to it on just, reasonable and nondiscriminatory terms. Forcing CLECs to purchase per query access does not meet this standard. (Lehmkuhl Aff. ¶¶26-53). (Factual; Legal; UNE Cost)</p> <p><b>AIT Response:</b> Ameritech Wisconsin does not limit the use of the LIDB database to local service only. Ameritech Wisconsin offers access as a UNE to CLECs and offers access under tariff to Interexchange Carriers ("IXCs"). WorldCom operates as both a local CLEC and an IXC. The local CLEC may use the LIDB database for all legitimate functions at the rate established for UNE access. The IXC may use the LIDB database for all legitimate functions at the rate established in the state or interstate switched access tariff. Ameritech Wisconsin has not placed any restrictions on how the CLEC may use the access. (Deere Rebuttal ¶86) It is appropriate to recognize this distinction between local services and access services. In the First Report and Order the FCC stated "Nothing in this Report and Order alters the collection of access charges paid by an interexchange carrier under Part 69 of the Commission's rules, when the incumbent LEC provides exchange access service to an interexchange carrier, either directly or through service resale." (Deere Rebuttal ¶ 87.) The FCC has approved other state agreements where the CLEC is limited to access of LIDB for local services only. The generic agreements, approved by the FCC as part of the 271 applications in Arkansas, Kansas, Missouri, Oklahoma and Texas (served by Southwestern</p>	

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		<p>Beil Telephone LLP ("SWBT") contain a provision similar to that proposed in Wisconsin. (Deere Rebuttal ¶88)</p> <p>In the Virginia Arbitration Order, the FCC firmly denied WorldCom's demand for a batch download of the CNAME database. WorldCom requested additional language that would allow it to obtain batch access to Verizon's CNAME database in a bulk, downloadable format.<sup>13</sup> The FCC stated: "We agree with Verizon that the Act and the Commission's rules do not entitle WorldCom to download a copy of Verizon's CNAME database or otherwise obtain a copy of that database from Verizon. We therefore reject WorldCom's language that would create such an entitlement." (Deere Rebuttal ¶ 66)</p>	
11.	<p>(xi) Number Portability - Section 271(c)(2)(B) of the 1996 Act requires a BOC to comply with the number portability regulations adopted by the Commission pursuant to section 251. Section 251(b)(2) requires all LECs "to provide, to the extent technically feasible, number portability in accordance with requirements prescribed by the Commission." The 1996 Act defines number portability as "the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another." In order to prevent the cost of number portability from thwarting local competition, Congress enacted section 251(e)(2), which requires that "[t]he cost of establishing telecommunications numbering administration arrangements and number portability shall be borne by all telecommunications carriers on a competitively neutral basis as determined by the Commission." Pursuant to these statutory provisions, the Commission requires LECs to offer interim number portability "to the extent technically feasible." The Commission also requires LECs to gradually replace interim number portability with permanent number portability. The Commission has established guidelines for states to follow in mandating a competitively neutral cost-recovery mechanism for interim number portability, and created a competitively neutral cost-recovery mechanism for long-term number portability.</p>	<p>AIT: Ameritech Wisconsin has deployed LNP not only in the top Metropolitan Statistical Areas ("MSAs") specified within the FCC's requirements, but also in all of the other exchanges it serves. See Mondon Number Portability Aff. ¶ 5. As a result, Ameritech Wisconsin has equipped all 128 switches within its operating territory with LNP capabilities, representing 100 percent of its access lines. Id. In so doing, Ameritech Wisconsin has adhered to the FCC's technical, operational, architectural and administrative requirements. Mondon Number Portability Aff. Id. ¶¶ 10-11, 18-19. Ameritech Wisconsin's full compliance with the Act and federal regulations has allowed competing carriers to port over 268,000 telephone numbers from Ameritech Wisconsin through January 2002. Id. ¶ 5.</p> <p>AIT: Ameritech Wisconsin's recent interconnection agreements with facilities-based providers include provisions stating that both parties will provide LNP in conformance with the Act and FCC rules. Id. ¶ 22. Further, Ameritech Wisconsin has implemented a series of performance standards to ensure the timely provisioning of LNP. Ehr Aff. ¶¶ 219-228.</p> <p>Norlight does not have any response at this time with regard to Ameritech's compliance with this checklist requirement.</p>	
12.	<p>(xii) Local Dialing Parity - Section 271(c)(2)(B)(iii) requires a BOC to provide "[n]ondiscriminatory access to such services or information as are necessary to allow the requesting carrier to implement local dialing parity in accordance with the requirements of section 251(b)(3)." Section 251(b)(3) imposes upon all LECs "the duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service with no unreasonable dialing delays." Section 153(15) of the Act defines "dialing parity" as follows: "[A] person that is not an affiliate of a local exchange carrier is able to provide telecommunications services in such a manner that customers have the ability to route automatically, without the use of any access code, their telecommunications to the telecommunications services provider of the customer's designation. The rules implementing section 251(b)(3) provide that customers of competing carriers must be able to dial the same number of digits the BOC's customers dial</p>	<p>AIT: The FCC Rules (47 C.F.R. § 51.207) specify that local dialing parity means that telephone exchange service customers within a local calling area may dial the same number of digits to make a local telephone call, regardless of the identity of the customer's or the called party's carrier. Ameritech Wisconsin's interconnection arrangements fully meet this requirement. Deere Aff. ¶¶ 283-284. The FCC's Second Report and Order, ¶ 71, stated that local dialing parity is achieved through the implementation of the interconnection, number portability and nondiscriminatory access to telephone number requirements of section 251 of the Act. Ameritech Wisconsin has implemented each of these in accordance with the Act and FCC rules. Deere Aff. ¶ 283; see Sections II.A, II.I, and II.K supra.</p> <p>AIT: Ameritech Wisconsin's interconnection arrangements do not require any CLEC to use access codes or additional digits to complete local calls to Ameritech Wisconsin customers. Deere Aff. ¶ 284. Nor are Ameritech Wisconsin customers required to dial any access codes or additional digits to complete local calls to the customers of any CLEC. Id. The interconnection of Ameritech Wisconsin networks and the network of CLECs are seamless from a customer perspective. Id. Since the CLEC central office switches are connected to the</p>	

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	to complete a local telephone call. Moreover, customers of competing carriers must not otherwise suffer inferior quality service, such as unreasonable dialing delays, compared to the BOC's customers.	trunk side of the Ameritech Wisconsin tandem or central office switches in the same manner as Ameritech Wisconsin and other local exchange companies, there are no differences in dialing requirements or built-in delays for CLEC customers. <i>Id.</i>	
13.	(xiii) <b>Reciprocal Compensation</b> - Section 271(c)(2)(B)(xiii) of the Act requires that a BOC enter into "[r]eciprocal compensation arrangements in accordance with the requirements of section 252(d)(2)." In turn, pursuant to section 252(d)(2)(A), "a state commission shall not consider the terms and conditions for reciprocal compensation to be just and reasonable unless (i) such terms and conditions provide for the mutual and reciprocal recovery by each carrier of costs associated with the transport and termination on each carrier's network facilities of calls that originate on the network facilities of the other carrier; and (ii) such terms and conditions determine such costs on the basis of a reasonable approximation of the additional costs of terminating such calls."	<p>Norlight does not have any response at this time with regard to Ameritech's compliance with this checklist requirement.</p> <p>AIT: Ameritech Wisconsin is subject to numerous interconnection agreements that provide for reciprocal compensation in accordance with PSCW orders and the FCC's rules (subject to negotiation or a regulatory or judicial determination as to the effect of the FCC's April 27, 2001 order regarding intercarrier compensation for ISP-bound traffic). Alexander Aff. ¶ 113. Ameritech Wisconsin pays undisputed amounts in a timely manner. <i>Id.</i></p> <p>AIT: The PSCW reviewed and approved the costs supporting Ameritech Wisconsin's rates for reciprocal compensation in Docket No. 6720-TI-120. Alexander Aff. ¶ 116. There are separate rates for tandem and end office switching, tandem transport and termination, which reflect the costs of the interconnection facilities used. <i>Id.</i> ¶¶ 118-123. The PSCW currently has before it proposed updated rates that include separate components for call setup costs (applied per message) and call duration costs (applied per minute of use). <i>Id.</i> ¶ 116.</p> <p>AIT: The FCC has found that a BOC's payment of inter-carrier compensation on traffic delivered to Internet Service Providers ("ISPs") is "irrelevant to checklist item 13." Kansas &amp; Oklahoma 271 Order, ¶ 251. The PSCW has ordered Ameritech Wisconsin to pay such compensation under certain interconnection agreements. Alexander Aff. ¶ 114. Ameritech Wisconsin is in compliance with all such PSCW orders, pending judicial review. <i>Id.</i></p> <p>Norlight does not have any response at this time with regard to Ameritech's compliance with this checklist requirement.</p> <p>CLECs: SBC/Ameritech cannot demonstrate compliance with Checklist Item 13 because of its refusal to allow CLECs to opt into a reciprocal compensation appendix under any circumstances. (See Cox Aff., ¶¶ 26-27, 110-111).</p> <p>AIT Response: Mr. Cox is factually incorrect with respect to Ameritech Wisconsin's treatment of reciprocal compensation terms and conditions (relating to adoption). Ameritech's policies are consistent with, and supported by, the FCC's ISP Compensation Order, which effectively terminated the ability for CLECs to use Section 252(i) to opt into reciprocal compensation terms for ISP traffic, and legitimately related terms. (See Alexander Reply Aff. ¶¶ 36-41). Further, Ameritech Wisconsin provides CLECs with several options to obtain reciprocal compensation terms and conditions, that are consistent with the FCC's Order, and that allow them to operate without delay or interruption (See Alexander Reply Aff. ¶¶ 36-41).</p>	
14.	(xiv) <b>Resale</b> - Section 271(c)(2)(B)(xiv) of the Act requires a BOC to make "telecommunications services . . . available for resale in accordance with the requirements of sections 251(c)(4) and 252(d)(3)." Section 251(c)(4)(A) requires incumbent LECs "to offer for resale at wholesale rates any telecommunications service that the carrier provides at retail to subscribers who are not telecommunications carriers." Section 252(d)(3) requires state commissions to "determine wholesale rates on the basis of retail rates charged to subscribers for the telecommunications service requested, excluding the portion thereof attributable to any marketing, billing, collection, and other costs that will be avoided	<p>AIT: The telecommunications services that Ameritech Wisconsin provides CLECs for resale are identical to the services that Ameritech Wisconsin furnishes its own retail customers. Alexander Aff. ¶¶ 124-125. CLECs are able to resell these services to the same customer groups and in the same manner as Ameritech Wisconsin. <i>Id.</i> Ameritech Wisconsin offers wholesale discounts on promotional offerings lasting more than 90 days. <i>Id.</i> ¶¶ 127-128. For retail services that Ameritech Wisconsin offers to a limited group of customers (such as grandfathered services), Ameritech Wisconsin allows resale to the same group of customers to which it sells the services, in accordance with 47 C.F.R. § 51.615. Alexander Aff. ¶ 129. Ameritech Wisconsin's customer-specific contracts are available for resale to similarly situated customers without triggering termination liability charges or transfer fees to the end user. <i>Id.</i> ¶ 131. Ameritech Wisconsin is subject to numerous performance standards</p>	Factual and Legal

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	<p>by the local exchange carrier." Section 251(c)(4)(B) prohibits "unreasonable or discriminatory conditions or limitations" on service resold under section 251(c)(4)(A). Consequently, the Commission concluded in the Local Competition First Report and Order that resale restrictions are presumed to be unreasonable unless the LEC proves to the state commission that the restriction is reasonable and nondiscriminatory. If an incumbent LEC makes a service available only to a specific category of retail subscribers, however, a state commission may prohibit a carrier that obtains the service pursuant to section 251(c)(4)(A) from offering the service to a different category of subscribers. If a state creates such a limitation, it must do so consistent with requirements established by the Federal Communications Commission. In accordance with sections 271(c)(2)(B)(ii) and 271(c)(2)(B)(xiv), a BOC must also demonstrate that it provides nondiscriminatory access to operations support systems for the resale of its retail telecommunications services. The obligations of section 251(c)(4) apply to the retail telecommunications services offered by a BOC's advanced services affiliate.</p>	<p>designed to ensure that resellers can access pre-ordering, ordering and provisioning, maintenance and repair, and billing functions for resold services in an efficient and nondiscriminatory manner. Ehr Aff. ¶¶ 229-257.</p> <p>AIT (AADS): AADS offers resale as applicable to its retail services. Habeeb Aff. ¶ 30-32.</p> <p>Norlight encourages the Commission to ensure that Ameritech is offering retail telecommunications services (including, but not limited to, DSL) for resale to the full measure required by Section 251(c)(4) of the Act and implementing FCC regulations.</p> <p>AIT (AADS) Response: DSL Transport sold to ISPs is a wholesale product and therefore subject to resale under Section 251 (b) (1) but not under Section 251 (c) (4). Habeeb Aff. ¶ 5.</p>	
C.	<p><b>Public Interest Analysis</b> – SBC/Ameritech is required to demonstrate that granting it 271 approval is in the public interest. (47 U.S.C. § 271(d)(3)).</p>	<p>CLECs: SBC/Ameritech's 271 Application is not in the public interest because its proposed remedy plan is inadequate and does not effectively discourage anti-competitive backsliding. (See Cox Aff., ¶¶ 46-66; TWTC Initial Comments, at 3). It is not in the public interest to grant SBC/Ameritech 271 approval while it continues to challenge the creation of a remedy plan that provides adequate financial remedies designed to give it an incentive to provide nondiscriminatory access to UNEs and to improve service quality. (See CLEC Initial Comments, at 18; TWTC Initial Comments, at 3-4).</p> <p>AIT Response: Actual experience shows that the SWBT plans are working just as the FCC found they would. SWBT has maintained high levels of performance in each of these states since SWBT received approval under Section 271 and began to offer long distance services under essentially the same remedy plan Ameritech Wisconsin proposes here.<sup>14</sup> Ehr Reply Aff ¶ 13.</p> <p>CLECs: The lack of competition in the local exchange market in Wisconsin also renders SBC/Ameritech's 271 application contrary to the public interest. (See CLEC Initial Comments, at 9-16).</p> <p>CLECs: SBC/Ameritech currently is benefiting from the poor quality of service provided to competitors by targeting its promotions to only competitors' customers. (See TWTC Initial Comments, at 2-3; Sherwood Testimony, at 1-20). It is not in the public interest to grant SBC/Ameritech's 271 Application while it continues to engage in this anti-competitive practice. SBC/Ameritech's pricing, marketing, and promotional practices in Wisconsin should be considered by this Commission in this proceeding.</p>	Factual, Legal, and OSS

<sup>14</sup> SWBT received Section 271 authorization in Texas on June 30, 2000 and began to provide long distance services on March 7, 2001. SWBT received Section 271 authorization for Kansas and Oklahoma on January 19, 2001 and began to provide long distance services on November 16, 2001. SWBT received Section 271 authorization in Arkansas and Missouri on November 16, 2001 and began to provide long distance services on November 26, 2001.

<sup>15</sup> SWBT received Section 271 authorization in Texas on June 30, 2000 and began to provide long distance services on March 7, 2001. SWBT received Section 271 authorization for Kansas and Oklahoma on January 19, 2001 and began to provide long distance services on November 16, 2001. SWBT received Section 271 authorization in Arkansas and Missouri on November 16, 2001 and began to provide long distance services on November 26, 2001.

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		<p><b>CLECs:</b> It is not in the public interest to grant SBC/Ameritech 271 approval until it meets <i>all</i> of its past commitments. (See Cox Aff., ¶¶ 112-115; Sherwood Aff., ¶¶ 16-21).</p> <p><b>CLECs:</b> It is not in the public interest to grant SBC/Ameritech 271 approval, unless or until competition exist and safeguards are implemented to ensure CLECs can compete with SBC/Ameritech in the future. When wholesale product(s) only are offered by one (1) provider (SBC/Ameritech), as currently is the case for local services in Wisconsin, the burden of proof (that high quality performance and service exist) is on the monopoly provider. Taking SBC/Ameritech at their word is not a gamble CLECs can afford to take. Proof is in testing and in the data results. Until data integrity can be assured, SBC/Ameritech should withdraw from its "no way to prove" approach and focus on fixing problems and serving customers. Multiple deferred and open KPMG Exceptions and Observations call into question SBC/Ameritech's procedures, documentation, and controls for calculating and reporting performance measures. (See KPMG Exception Nos. 19-20, 26, 41-42, 47, 108, 113, 124, 129, 133, and KPMG Observation Nos. 190, 394-395, 425, 429, 432, 440, 458, 460-461, 465-466, 468-469, 480-481, 488-495, 498, 506, 509-511, 523-525, 531-534, 536-538, 545-549, 554-557, 561, and 565-566).</p> <p><b>AIT Response:</b> Issues have been raised regarding the integrity and accuracy of performance measurements and performance remedies because of the Observations and Exceptions issued by KPMG during its Third Party Test of Ameritech Wisconsin's existing OSS systems. Accuracy and integrity of the results reported by Ameritech Wisconsin is a Phase II issue that will be addressed after KPMG issues its report and Ameritech Wisconsin's performance data is placed into the record for comment by all parties. Ehr Reply Aff. ¶ 47.</p> <p><b>TWTC:</b> It is not in the public interest to grant SBC/Ameritech 271 approval as long as it continues to discriminate between CLECs who purchase UNEs and equivalent special access services in terms of performance measures and remedies. (See Kagele Aff., ¶¶ 6-28; Sherwood Aff., ¶¶ 9-15).</p> <p><b>WCOM:</b> Public interest is a factor in this Commission's consideration of Ameritech Wisconsin's draft 271 application. History demonstrates that Ameritech has made a habit of defying explicit Commission directives in UNE compliance proceedings across the Ameritech region, and there is no indication that things in Wisconsin will be different. Furthermore, Ameritech entities have attempted to double loop rates in proceedings where they were not under consideration, and have filed new applications to increase loop rates on the heels of the completion of a TELRIC docket (even after having filed its 271 application based on existing loop rates). These efforts to defeat competition are contrary to the public interest. To alleviate these concerns, the PSCW should determine that existing TELRIC rates in Wisconsin be capped for a period of time after they are ultimately approved, and should require Ameritech Wisconsin to dismiss all pending appeals of the PSCW's OSS and UNE Orders, so that an effective remedy plan will be in place and the pricing determinations that are ultimately implemented in the UNE docket are available to competitors on more than a temporary basis. If competitors cannot rely upon an effective remedy plan and the ongoing availability of TELRIC-based UNE rates, they will not be able to enter (or sustain entry) into the local market, and competition will suffer, injuring the public interest. (Campion Aff. ¶¶ 4-23).</p> <p><b>CUB:</b> Granting Ameritech Wisconsin's Section 271 application is inconsistent with the public interest. (Cooper Aff. ¶¶ 51-86; CUB's Comments at 5-14.)</p>	Factual and Legal



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		<p>Competitors serve only 5% of access lines serving the state's residential and small business customers in Ameritech Wisconsin's service territory and the percent of lines switching to competitors in Wisconsin in 2001 was a paltry 5.2%, while the percentages of lines switching to competitors in the year prior to BOC-entry in New York and Texas were 8% and 10.1%, respectively. Moreover, in New York, competitors quadrupled the number of residential lines in the year prior to BOC entry, while there was virtually no increase in Wisconsin residential switching in the first six months of 2001. Contrary to Ameritech Wisconsin's "backward" assertion that its entry into long distance will increase competition in the local market, such premature entry will instead stifle both local and long distance price competition. (Cooper Aff. ¶¶ 8, 29, 33, 34, 56.)</p> <p><b>CUB:</b> Ameritech Wisconsin has a history of challenging the regulatory authority of this and other state commissions. The company's efforts to "winback customers" and otherwise leverage its incumbent advantage over its network constitute anti-competitive business practices. (Cooper Aff. ¶¶ 44-49, 70-73.)</p> <p><b>CUB:</b> Ameritech Wisconsin's Performance Assurance Plan is inadequate. It fails to provide the company with sufficient incentive to comply with the designated performance standards and is neither sufficiently precise nor self-executing in its operation to be administered efficiently and to avoid disputes and potential litigation. In designing a Performance Assurance Plan, the company's inferior service quality must also be taken into account. Also, given the company's history of antagonistic behavior and Wisconsin's low level of competition, adoption of the Texas-style performance measures is inappropriate. Further evidencing the need for a stronger Ameritech Wisconsin Performance Assurance Plan than the one advanced by the company is Ameritech's refusal to permit the PSCW to unconditionally enter its residential and business call centers and its repeated failure to comply with Ohio's Minimum Telephone Service Standards, despite fines, withholding of dividends, hearings, and audits. The company will not be easily dissuaded from harming its Wisconsin competitors. (CUB Comments at 10; See also Cooper Aff. ¶¶ 68-73.)</p> <p><b>AIT Response:</b> Actual experience shows that the SWBT plans are working just as the FCC found they would. SWBT has maintained high levels of performance in each of these states since SWBT received approval under Section 271 and began to offer long distance services under essentially the same remedy plan Ameritech Wisconsin proposes here.<sup>15</sup> Ehr Reply Aff ¶ 13. Ameritech Wisconsin's performance of its wholesale service obligations to Wisconsin CLECs has improved has exceeded 90% measures subject to remedied met for all of 2002. Ameritech Wisconsin's quality of wholesale service has been at, and continues to be at, high levels. No evidence is provided been any other parties to the contrary. Ehr Reply Aff ¶ 14. The effect of the performance assurance plan proposed here, as implemented in other Ameritech states, have factored into increased levels of performance sustained at high level in Wisconsin. Wisconsin CLECs and consumers have benefited from the implementation of essentially the same remedy plan proposed here as Ameritech's systems, processes and procedures are predominantly regional in nature, with enhancements made initially in one state being carried over into all five Ameritech states. Ehr Reply Aff ¶ 15. Remedy payments in Ameritech Wisconsin's proposed plan, as with all Section 271 SWBT performance remedy plans approved by the FCC, are self-effectuating payments that are undertaken on a voluntary basis and are directly related to objective, agreed-upon measurements. This direct tie between performance and payment (a) allows CLECs to receive remedies immediately instead of having to go to the Wisconsin Commission for relief, and (b) does not require Ameritech Wisconsin to pay excessive amounts when it is in substantial compliance with these standards. Payments under this plan are automatic, and the FCC has found them to</p>	

Item	Checklist Requirement <sup>1</sup>	Position Regarding Compliance	Nature of Dispute <sup>2</sup>
271 (d)3c	<p><b>AT&amp;T: Public Interest:</b> Does the Commission have adequate evidence that the public interest will be served by grant of Ameritech Wisconsin's application for long distance authority, and specifically that the public interest will be protected from Ameritech Wisconsin's non-compliance follow any such approval with 1) the checklist requirements of Section 271; 2) Commission orders relating to nondiscriminatory access requirement of 271; and 3) administrative orders and regulations issued by the PSCW relating to nondiscriminatory access.</p> <p>Performance Measurements are used to empirically determine whether Ameritech meets all fourteen checklist items.</p> <p>Is there a performance remedy plan in place sufficient to create and maintain irreversible local competition and is Ameritech abiding by such a plan?</p>	<p>be sufficiently self-effectuating. There is an expedited procedure that allows the Wisconsin Commission to waive remedies if it finds that a particular performance shortfall was caused by some factor outside the control of Ameritech Wisconsin (for example, a CLEC error, or a natural disaster). The FCC has found this procedure to be sufficiently self-executing for purpose of Characteristic No. 4. <i>Texas 271 Order</i>, ¶ 427; <i>Kansas &amp; Oklahoma 271 Order</i>, ¶ 277; <i>Arkansas &amp; Missouri 271 Order</i>, ¶¶ 129-130. <i>Ehr Reply Aff</i> ¶44.</p> <p><b>AT&amp;T:</b> Experience demonstrates that premature RBOC entry into the long distance market only increases the likelihood of a vertically entrenched monopoly. Indeed, the historical record of Ameritech's noncompliance – and specifically its track record in Wisconsin – demonstrate that conventional regulatory approaches are inadequate to achieve and sustain satisfactory market-opening results. In order to assure that this 271 review is not just an elaborate regulatory "bait and switch," the Commission should in this proceeding establish that each wholesale obligation is a continuing one that Ameritech cannot alter without the express approval of the Commission. <i>Gillan Aff.</i> 5 – 41.</p> <p>Conventional approaches do not reach the source of the problem, which is the incentive of the owner of bottleneck network facilities to favor its own retail activities and disadvantage competitors. That incentive inevitably will manifest itself in myriad ways, all of them designed to deny or impair the quality of access by competitors to the network owner's facilities. Instead, there is a tool – structural separation -- that is less regulatory and more geared to correcting the underlying incentive structure that motivates Ameritech's conduct. An independent Ameritech network organization would lack the incentive to favor Ameritech and, in fact, would have every incentive to quickly and efficiently implement useful network element arrangements and OSS systems to foster local competition. The Commission should consider structural separation in conjunction with its review of Ameritech Wisconsin's §271 Application. <i>Id.</i>, ¶¶ 42 - 58</p> <p><b>AT&amp;T:</b> KPMG's test of Ameritech's OSS, along with AT&amp;T's experiences, shows that Ameritech continues to provide chronically poor wholesale service. Indeed, based upon these experiences, it is obvious that Ameritech's OSS is so faulty that the company cannot gather, retain, report, or correct errors (so-called "restatements") of its performance results. In short, Ameritech's self-reported wholesale performance to CLECs is grossly inaccurate, and cannot be relied upon. This, in turn, means Ameritech cannot at this time be said to comply with any Section 271 checklist item whatsoever. Ameritech's application cannot be granted until such time as it heeds KPMG's advice and fixes its systems. (Moore Affidavit)</p> <p><b>AIT Response:</b> Issues have been raised regarding the integrity and accuracy of performance measurements and performance remedies because of the Observations and Exceptions issued by KPMG during its Third Party Test of Ameritech Wisconsin's existing OSS systems. Accuracy and integrity of the results reported by Ameritech Wisconsin is a Phase II issue that will be addressed after KPMG issues its report and Ameritech Wisconsin's performance data is placed into the record for comment by all parties. <i>Ehr Reply Aff.</i> ¶ 47.</p> <p><b>AT&amp;T:</b> All past Sec. 271 authorizations from the FCC contain a state-ordered OSS performance remedy plan. The FCC has ruled: "We have not mandated any particular penalty structure, and we recognize different structures can be equally effective. We also recognize that the development of performance measures and appropriate remedies is an evolutionary process that requires changes to both measures and remedies over time." (FCC Georgia/Louisiana 271 Order, ¶294.) The Commission ordered a Wisconsin-specific performance remedy plan for Ameritech in Docket No. 6720-TI-160. Ameritech appealed and obtained a stay of payments under the Commission's plan. In this proceeding, Ameritech proposes another remedy plan that was previously rejected by the Commission in Docket No.</p>	

Item	Checklist Requirement <sup>1</sup>	Position Regarding Compliance	Nature of Dispute <sup>2</sup>
		<p>6720-TI-160. The Commission should reject Ameritech's proposal and require Ameritech to implement the Wisconsin remedy plan before its application may be deemed to be consistent with the public interest, convenience and necessity. (Moore Affidavit)</p> <p><b>AIT Response:</b> Use of the performance remedy plan proposed for Section 271 purposes here will allow Ameritech Wisconsin to meet the concerns that the FCC has not granted Section 271 approval without an effective performance remedy plan in place. Ehr Reply Att ¶ 8.</p> <p>Ameritech Wisconsin has implemented and is adhering to provisions of the remedy plan ordered by the Wisconsin Commission. As it is currently under judicial review, Ameritech Wisconsin is proposing the same performance remedy plan it proposed in Docket No. 6720-TI-160. Remedy plans essentially the same as this one proposed here have been approved by the FCC in five state as sufficient for 271 purposes. Ehr Reply Att ¶ 7</p>	

**Summary of Disputed Issues  
WI 271 Collaborative  
Aug. 13-14, 2002**

**1. Customized Routing**

- Does AIT's AIN Customized Routing offering comply with FCC requirements including the *UNE Remand Order*? Legal
- Is it necessary for CLECs to follow the BFR process to request Customized Routing other than that currently offered by AIT? Legal
- If the BFR process is required, has WCOM properly requested and has AIT properly responded to WCOM's specified form of Customized Routing (e.g., over FG D trunks)? Factual
- If WCOM requested a form of Customized Routing, is the requested form technically feasible in WI? Factual
- Depending on the outcome of these questions, other factual/legal issues may need to be resolved (e.g., NRC charges, OSS/billing costs, etc.)
- In the event that AIT's Customized Routing offering does not comply with FCC requirements, does AIT offer OS/DA services at TELRIC-based rates, supported by a Commission-approved cost study? Legal/Phase II
- Is Customized Routing part of the Switching UNE, and if so, are the costs of performing the custom routing work itself recovered in the UNE switching rate? Legal and factual/Phase II.
- If Customized Routing is part of the Switching UNE, are OSS and billing costs relating to the provision of Customized Routing recovered in the UNE switching rate? Legal and factual/Phase II.

**2. Directory Assistance Listing (DAL)**

- Under FCC requirements, should DAL be priced at market-based rates or priced based on TELRIC principles? Legal
- Depending on the outcome to this threshold question, factual issues may need to be resolved (e.g., price level, imputation, etc.).

**3. Calling Name (CNAM)**

- Is the CNAM database a UNE? Legal
- Must AIT offer CLECs access to a complete batch download of AIT's CNAM database at TELRIC-based rates for purposes of 271 compliance? Legal
- Do costs of per query CNAM access make AIT's "per query access only" CNAM offering discriminatory? Factual and legal

- Depending on the outcome to these questions, other factual/legal issues may need to be resolved (e.g., Commission-approved TELRIC rates for providing complete batch download access to the CNAM database). Phase II

#### **4. Line Information Database (LIDB)**

- What is the proper pricing for LIDB when used for (a) local and (b) toll services? Legal

#### **5. Caller ID Errors**

- Issue: Are there systemic errors in the CNAM database causing Caller ID errors?
- If errors exist, they raise questions regarding the accuracy of the CNAM database and the delivery system for Caller ID.
- Issue remains open. AIT will investigate to determine if this issue is included in KPMG's OSS test. This issue will also be discussed at an upcoming CLEC Users Forum.

#### **6. Dark Fiber**

- What is the proper definition for dark fiber for 271 compliance? Legal
- Is the information provided by AIT to CLECs pursuant to contract or tariff regarding dark fiber adequate (e.g., location of dark fiber facilities, ordering, etc.)? If not, what additional information should be provided? Factual/Legal
- Are CLECs required to be notified when fiber will be terminated or has been terminated? Legal
- Is there a process for CLECs to challenge AIT's assertion that dark fiber is not available and is that process adequate? Factual and Legal

#### **7. Reciprocal Compensation**

- After the FCC's ISP Order, to what extent do CLECs have the right to opt-into reciprocal compensation provisions in interconnection arrangements with AIT? Legal
- Is AIT required to state whether or not it elects the reciprocal compensation rate cap described in the FCC's ISP Reciprocal Compensation Order before it gains its 271 approval? Legal
- Are reciprocal compensation provisions in existing interconnection agreements, which may or may not rely on the methodology established prior to the Commission's decision in 05-TI-283, sufficient for 271 compliance given the Federal District Court Decision vacating the PSCW's decision in 05-TI-283? Legal
- Are AIT's bifurcated reciprocal compensation rates developed in the 6720-TI-161 proceeding applicable if the methodology developed in 05-TI-283 is vacated? Phase II issue

## **8. Unbundled Network Element (UNE) Combinations**

- Issue remains open. AIT will circulate by August 21 a revised WI UNE Combination tariff to be compliant with FCC rules, as restated by the Verizon Decision, and relevant PSCW orders. The draft tariff will be discussed again on Aug. 27-29. Disputes regarding the product offering and any limitations will be presented to the Commission in Phase I while disputed pricing and performance issues will be deferred to Phase II.

## **9. Remote Access to Call Forwarding (RACF)**

- Issue remains open. AIT stated that activated features residing in the switch but are not used for retail are available for use by CLECs with the UNE platform. CLECs interpret AIT's UNE tariff as inconsistent with this policy. AIT agreed to modify the UNE tariff to remove any restrictions on CLEC use of unbundled local switching, including without limitation, any restrictions on basic switch functionality and/or features. AIT will respond by Aug. 21 with a draft tariff or a date by which the draft tariff will be available.
- AIT agreed to develop a process to order RACF by the end of September. Any pricing issues are deferred to Phase II.

## **10. Resale**

- There are no currently disputed issues, however parties may dispute AIT's position on resold xDSL transport.
- As we discussed at the 8/14 collaborative, AT&T will submit its "resold xDSL transport" issue", if any, early next week, and would be amenable to discussing it at the 8/27-8/28 meetings.

## **11. Track A**

- What is the legal standard for Track A compliance? Legal
- Has AIT met that standard? (For instance, AIT must show that facilities-based competitors are an "actual commercial alternative" for residential customers.) Factual
- AIT agreed to work with staff in order for staff to review AIT's use of 911 data to quantify the extent of competition.

**Summary of Disputed Issues  
WI 271 Collaborative  
Aug. 27-28, 2002**

**1. Interconnection**

- Can CLECs be required to interconnect directly with Ameritech's end offices and offices of other carriers when traffic reaches a predetermined level?  
Legal
- If so, which party should bear the cost? Legal and Factual
- Should CLECs be allowed to determine the point of interconnection between their network and Ameritech's network? Legal
- In addition to its obligations under sections 251 and 252, are there other obligations upon Ameritech when negotiating interconnection agreements?  
Legal
- Are the parties complying with their legal obligations to negotiate in good faith? Legal/Factual
- Can Ameritech prevent a CLEC with an interconnection agreement from ordering interconnection or wholesale services out of an Ameritech Wisconsin tariff that has the same or similar services if there is nothing in the interconnection agreement that expressly prevents a CLEC from doing so?  
Legal
- Code of Conduct for Document and Quality Control – Ameritech will provide data, similar to that which was provided to the ICC Chairman, showing improvement in its quality control process for managing contract document evolution and overall contract negotiations. Also, at least one CLEC supports further workshops to improve Ameritech's quality control process (perhaps as an update of the interim procedures adopted in the context of Docket 05-TI-140).

**2. Collocation**

- Do CLECs have the right to access the demarcation point and/or associated cabling and terminal blocks, including those on Ameritech's MDF (or IDF) if the demarc point is located outside the CLEC's collocation cage? Legal
- A related issue has been recently introduced in the CLEC User Forum. Specifically, Ameritech has agreed to investigate the feasibility of providing an optional service to the CLECs whereby Ameritech would perform additional testing functions for CLECs with physical collocation with respect to cabling between the collocation cage and the MDF. At an upcoming CLEC forum, Ameritech will report on its evaluation, and, if appropriate, designate an estimated cost for this optional service.

- Regarding collocation provisioning intervals – is there is any prohibition against coordinating activities between Ameritech’s build out activities and CLEC vendor’s cabling work?
- Does KPMG’s OSS test include ordering and billing for collocation? If so, any such disputed issues will be deferred to Phase II.
- Norlight will determine if its account team discussions with Ameritech have helped to resolve their collocation issues.

### **3. Switching**

- Can ULS be used for switching intraLATA toll traffic without incurring access charges? Legal
- Has Ameritech removed all unlawful restrictions in its tariffs on ULS such that carriers will obtain access to all features and functions of the switch? Factual/Legal
- May Ameritech decline to provide the Switching UNE if the FCC decides to remove it from the UNE list? Legal
- What impact do Ameritech’s September 10<sup>th</sup> Comments in 6720-TI-161 have on this proceeding? Legal/Factual and will be addressed in Phase II.

### **4. Transport**

- Can shared transport be used for intraLATA toll without paying access charges? Legal
- Can Ameritech decline to provide the Transport UNE if the FCC decides to remove it from the UNE list? Legal
- What impact do Ameritech’s September 10<sup>th</sup> Comments in 6720-TI-161 have on this proceeding? Legal/Factual and will be addressed in Phase II.

### **5. Resold xDSL**

- Has Ameritech Wisconsin complied with its resale obligations under TA96 and the ASCENT decision with respect to DSL transport? Legal

### **6. Public Interest**

- Is Ameritech’s entry in the long distance market in the public interest? Legal and Factual (e.g., levels of competition, service quality, compliance record, impact of premature entry).
- Separate Subsidiary – Does the public interest standard require Ameritech to establish a separate subsidiary for wholesale services? Legal and Factual
- Remedy Plan – All remedy issues are deferred to Phase II.
- Special Access – As part of the public interest standard, should Ameritech be required to establish performance measures and remedies for special access? Legal and Factual



- Win-backs – Are there any Wisconsin-specific problems related to win-back efforts or other anticompetitive conduct by Ameritech? Factual/Legal
- Rate Freeze – Does the PSCW have the authority to require Ameritech to freeze its UNE or wholesale rates as a precondition for 271 approval? Legal
- If so, should Ameritech be required to freeze these rates for a set period of time? Legal/Factual
- Appeals – Does the PSCW have the authority to require Ameritech to withdraw its appeals of the Commission's decisions in the 160 and 161 dockets as a pre-condition for 271 approval? Legal
- If so, should Ameritech be required to drop its appeals as a pre-condition for 271 approval? Legal/Factual
- Tariffs – Does the PSCW have the authority to require Ameritech to tariff all its wholesale product offerings? Legal
- If so, does the public interest require such tariffing? Legal/Factual
- What impact do Ameritech's September 10<sup>th</sup> Comments, Petition to Reopen the Record, or, in the Alternative, Complaint Regarding Its Loop Conditioning Rates in 6720-TI-161 and UNE Compliance Comments have on this proceeding? Legal/Factual and will be addressed in Phase II.

## 7. Combinations

- Does Ameritech's new UNE-P AND EEL combinations tariff comply with state and federal law? Legal
- CLECs agreed to identify any combinations that should be listed in the tariff by Sept. 9.
- Interested parties have until Sept. 9 to identify any additional UNE Combination tariff issues, including whether the issue(s) should be decided in Phase I or Phase II and whether the issue is a factual or legal issue.
- Ameritech agreed to clarify the term "amendment" in the 3rd paragraph, Sheet 1, Section 22.
- Ameritech also agreed to amend paragraph no. 4 on sheet 1.2 to be consistent with the Michigan tariff.
- All pricing issues have been deferred to Phase II. However, Ameritech agreed to provide an example of all recurring and non-recurring prices for EELs.
- Are the process and timeframes in Ameritech's BFR-OC process reasonable and appropriate? Legal/Factual
- Should the offerings in Ameritech's UNE combination tariff only be available to telecommunications carriers with an effective interconnection agreement dated before September 25, 2001? Legal
- Should Ameritech be required to offer a UNE combination interconnection agreement amendment that offers UNE combinations on the same terms as provided in Ameritech's UNE combination tariff? Legal
- Should the standard UNE combination offerings in Ameritech's UNE combination tariff include UNE combinations that specifically include high capacity loops (DS3/fiber), dark fiber loops, and dark fiber transport? Legal

- Do Ameritech's OSS reflect whether particular network elements are currently combined in its network? Factual and will be addressed in Phase II.
- If not, should Ameritech be required to develop OSS that reflects whether particular network elements are currently combined in its network? Legal/Factual and will be addressed in Phase II.
- Must competitors be able to purchase tariffed UNE combinations regardless of whether or not their interconnection agreements cover such UNE combinations? Legal
- Does the PSCW have the authority to prohibit Ameritech from withdrawing its UNE combinations tariff regardless of the outcome of the pending federal appeal of the OSS Order in 6720-TI-160? Legal and will be addressed in Phase II.
- If so, should Ameritech be prohibited from withdrawing its UNE combinations tariff? Legal and will be addressed in Phase II.
- What impact do Ameritech's September 10<sup>th</sup> Comments in 6720-TI-161 have on this proceeding? Legal/Factual and will be addressed in Phase II.
- Ameritech was to provide an answer on whether it will agree combine the elements of UNE-P and the international call blocking feature, assuming that this feature is already loaded into the particular switch.

## **8. UNE-Loops – Including Line Sharing and Line Splitting**

- Within one week, Ameritech agreed to clarify how CLECs will order its end-to-end broadband offering to accommodate line splitting.
- WCOM has agreed to discuss with AADS/AIMS, a partnership arrangement for line splitting. Based on these discussions, the disputed issues outlined below may be removed from the list.
  1. Can the PSCW require Ameritech to migrate a customer's voice service to a CLEC's UNE-P offering without changing the data service? Legal
  2. If so, should Ameritech be required to migrate a customer's voice service to a CLEC's UNE-P offering without changing the data services? Legal/Factual
  3. In a line sharing arrangement, can the PSCW require Ameritech to grant access to the HFPL when it is not the underlying provider of voice service? Legal
  4. In a line sharing arrangement, is it technically feasible for Ameritech to grant access to the HFPL when it is not the underlying provider of voice service? Factual
  5. If so, should Ameritech be required to grant access to the HFPL when it is not the underlying provider of voice service? Legal/Factual
  6. Should Ameritech be allowed to disconnect temporarily the customer's service when converting from UNE-P to line splitting? Legal/Factual

7. Should Ameritech be required to implement a 1-order process for converting a line sharing arrangement to line splitting? Legal/Factual and will be addressed in Phase II.

- Non-Excessive Bridged Taps – This issue appears in three dockets, including 6720-TI-160, 161 and 170. TDS and Ameritech are still researching the issue to determine the extent and cause of service disruptions raised in the 160 docket. Procedurally, staff will present to the commission a memo in the 160 docket coincident with the staff report in the 170 docket so that the commission has all relevant information.
- Is Ameritech currently required to remove non-excessive bridged taps as defined by ANSI for loops upon request? Is a separate charge for this activity allowed? Legal/Factual and will be addressed in Phase II.
- What impact does Ameritech's September 10<sup>th</sup> Petition to Reopen the Record, or, in the Alternative, Complaint Regarding Its Loop Conditioning Rates have on this proceeding? Legal/Factual and will be addressed in Phase II.
- What impact do Ameritech's September 10<sup>th</sup> Comments in 6720-TI-161 have on this proceeding? Legal/Factual and will be addressed in Phase II.

## 9. OSS

- Interested parties should provide a list of all OSS issues that are not included in the 160 and 161 dockets by Sept. 9. These issues will be presented to the Commission as part of Phase II.

## 10. Directory Listings

- Currently, AAS sends rejects to CLECs via fax for approximately 1% of all orders. Ameritech agreed to consider sending rejects via email.
- Is Ameritech's offering compliant with its A-AA commitment to offer a single interface for ordering UNE-Loops and directory listings? Legal/Factual and will be addressed in Phase II.

## 11. ULS Tariff Language

- Ameritech and AT&T agreed to work off-line to develop tariff language acceptable to both parties (e.g., RACF). Parties have until Sept. 20 to identify any disputed issues.

# Disputed Issues Summary

## Appendix G

Item	Issue	Legal	Factual	Action Items <sup>1</sup>	Phase II
Track A	What is the legal standard for Track A compliance?	X			
	Has AIT met that standard? (For instance, AIT must show that facilities-based competitors are an "actual commercial alternative" for residential customers.)		X		
	(Note: AIT agreed to work with staff in order for staff to review AIT's use of 911 data to quantify the extent of competition.)			X	
(i) Interconnection	<b>Interconnection</b>				
	Can CLECs be required to interconnect directly with Ameritech's end offices and offices of other carriers when traffic reaches a predetermined level?	X			
	If so, which party should bear the cost?	X	X		
	Should CLECs be allowed to determine the point of interconnection between their network and Ameritech's network?	X			
	In addition to its obligations under sections 251 and 252, are there other obligations upon Ameritech when negotiating interconnection agreements?	X			
	Are the parties complying with their legal obligations to negotiate in good faith?	X	X		
	Can Ameritech prevent a CLEC with an interconnection agreement from ordering interconnection or wholesale services out of an Ameritech Wisconsin tariff that has the same or similar services if there is nothing in the interconnection agreement that expressly prevents a CLEC from doing so?	X			
	Code of Conduct for Document and Quality Control – Ameritech will provide data, similar to that which was provided to the ICC Chairman, showing improvement in its quality control process for managing contract document evolution and overall contract negotiations. Also, at least one CLEC supports further workshops to improve Ameritech's quality control process (perhaps as an update of the interim procedures adopted in the context of Docket 05-TI-140).			X	
	<b>Collocation</b>				
	Do CLECs have the right to access the demarcation point and/or associated cabling and terminal blocks, including those on Ameritech's MDF (or IDF) if the demarc point is located outside the CLEC's collocation cage?	X			

<sup>1</sup> Items for which a response, product, or further review was pending. Some of these items may be resolved as a result of further action by the parties; others will remain in dispute. Action items will require a further process in this docket to enter agreement by the parties or to resolve the remaining dispute.

Item	Issue	Legal	Factual	Action Items <sup>1</sup>	Phase II
	A related issue has been recently introduced in the CLEC User Forum. Specifically, Ameritech has agreed to investigate the feasibility of providing an optional service to the CLECs whereby Ameritech would perform additional testing functions for CLECs with physical collocation with respect to cabling between the collocation cage and the MDF. At an upcoming CLEC forum, Ameritech will report on its evaluation, and, if appropriate, designate an estimated cost for this optional service.			X	
	Regarding collocation provisioning intervals –is there any prohibition against coordinating activities between Ameritech's build out activities and CLEC vendor's cabling work?			X	
	Does KPMG's OSS test include ordering and billing for collocation? If so, any such disputed issues will be deferred to Phase II.			X	X
	NorLight will determine if its account team discussions with Ameritech have helped to resolve their collocation issues.			X	
	<b>Unbundled Network Elements (UNE) Combinations</b>				
(ii) Unbundled Network Elements	AIT will circulate by August 21 a revised WI UNE Combination tariff to be compliant with FCC rules, as restated by the Verizon Decision, and relevant PSCW orders. The draft tariff will be discussed again on Aug. 27-29. Disputes regarding the product offering and any limitations will be presented to the Commission in Phase I while disputed pricing and performance issues will be deferred to Phase II.			X	X
	Does Ameritech's new UNE-P AND EEL combinations tariff comply with state and federal law?	X			
	Interested parties have until Sept. 9 to identify any additional UNE Combination tariff issues, including whether the issue(s) should be decided in Phase I or Phase II and whether the issue is a factual or legal issue.			X	
	CLECs agreed to identify any combinations that should be listed in the tariff by September 9.			X	
	Ameritech agreed to clarify the term "amendment" in the 3rd paragraph, Sheet 1, Section 22.			X	
	Ameritech also agreed to amend paragraph no. 4 on sheet 1.2 to be consistent with the Michigan tariff.			X	
	All pricing issues have been deferred to Phase II. However, Ameritech agreed to provide an example of all recurring and non-recurring prices for EELs.			X	X
	Are the process and timeframes in Ameritech's BFR-OC process reasonable and appropriate?	X	X		
	Should the offerings in Ameritech's UNE combination tariff only be available to telecommunications carriers with an effective interconnection agreement dated before September 25, 2001?	X			
	Should Ameritech be required to offer a UNE combination interconnection agreement amendment that offers UNE combinations on the same terms as provided in Ameritech's UNE combination tariff?	X			

Item	Issue	Legal	Factual	Action Items <sup>1</sup>	Phase II
	Should the standard UNE combination offerings in Ameritech's UNE combination tariff include UNE combinations that specifically include high capacity loops (DS3/fiber), dark fiber loops, and dark fiber transport?	X			
	Does Ameritech's OSS reflect whether particular network elements are currently combined in its network?		X		X
	If not, should Ameritech be required to develop OSS that reflects whether particular network elements are currently combined in its network?	X	X		X
	Must competitors be able to purchase tariffed UNE combinations regardless of whether or not their interconnection agreements cover such UNE combinations?	X			
	Does the PSCW have the authority to prohibit Ameritech from withdrawing its UNE combinations tariff regardless of the outcome of the pending federal appeal of the OSS Order in 6720-TI-160?	X			X
	If so, should Ameritech be prohibited from withdrawing its UNE combinations tariff?	X			X
	What impact do Ameritech's September 10 <sup>th</sup> Comments in 6720-TI-161 have on this proceeding?	X	X		X
	Ameritech was to provide an answer on whether it will agree combine the elements of UNE-P and the international call blocking feature, assuming that this feature is already loaded into the particular switch.			X	
	<b>OSS</b>				
	Interested parties should provide a list of all OSS issues that are not included in the 160 and 161 dockets by Sept. 9. These issues will be presented to the Commission as part of Phase II				X
(iii) Poles, ducts, conduits and rights-of way	No disputes identified at this time.				
(iv) Unbundled Local Loops	<b>UNE-Loops – Including Line Sharing and Line Splitting</b>				
	Within one week, Ameritech agreed to clarify how CLECs will order its end-to end broadband offering to accommodate line splitting.			X	
	WCOM has agreed to discuss with AADS/AIMS, a partnership arrangement for line splitting. Based on these discussions, the disputed issues outlined below may be removed from the list.				
	1. Can the PSCW require Ameritech to migrate a customer's voice service to a CLEC's UNE-P offering without changing the data service?	X			
	2. If so, should Ameritech be required to migrate a customer's voice service to a CLEC's UNE-P offering without changing the data services?	X	X		
	3. In a line sharing arrangement, can the PSCW require Ameritech to grant access to the HFPL when it is not the underlying provider of voice service?	X			

Item	Issue	Legal	Factual	Action Items <sup>1</sup>	Phase II
	4. In a line sharing arrangement, is it technically feasible for Ameritech to grant access to the HFPL when it is not the underlying provider of voice service?		X		
	5. If so, should Ameritech be required to grant access to the HFPL when it is not the underlying provider of voice service?	X	X		
	6. Should Ameritech be allowed to disconnect temporarily the customer's service when converting from UNE-P to line splitting?	X	X		
	Should Ameritech be required to implement a 1-order process for converting a line sharing arrangement to line splitting	X	X		X
	<b>Non-Excessive Bridged Taps</b>				
	This issue appears in three dockets, including 6720-TL-160, 161 and 170. TDS and Ameritech are still researching the issue to determine the extent and cause of service disruptions raised in the 160 docket. Procedurally, staff will present to the commission a memo in the 160 docket coincident with the staff report in the 170 docket so that the commission has all relevant information.			X	
	Is Ameritech currently required to remove non-excessive bridged taps as defined by ANSI for loops upon request? Is a separate charge for this activity allowed?	X	X		X
	What impact does Ameritech's September 10 <sup>th</sup> Petition to Reopen the Record, or, in the Alternative, Complaint Regarding Its Loop Conditioning Rates have on this proceeding?	X	X		X
	What impact do Ameritech's September 10 <sup>th</sup> Comments in 6720-TL-161 have on this proceeding?	X	X		X
	<b>Dark Fiber – Loops</b>				
(v) Unbundled Local Transport	What is the proper definition for dark fiber for 271 compliance?	X			
	Is the information provided by AIT to CLECs pursuant to contract or tariff regarding dark fiber adequate (e.g., location of dark fiber facilities, ordering, etc.)? If not, what additional information should be provided?	X	X		
	Are CLECs required to be notified when fiber will be terminated or has been terminated?	X			
	Is there a process for CLECs to challenge AIT's assertion that dark fiber is not available and is that process adequate?	X	X		
	<b>Shared Transport</b>				
	Can shared transport be used for intraLATA toll without paying access charges?	X			
	Can Ameritech decline to provide the Transport UNE if the FCC decides to remove it from the UNE list?	X			
	What impact do Ameritech's September 10 <sup>th</sup> Comments in 6720-TL-161 have on this proceeding?	X	X		X
	<b>Dark Fiber – Transport</b>				

Item	Issue	Legal	Factual	Action Items <sup>1</sup>	Phase II
	What is the proper definition for dark fiber for 271 compliance?	X			
	Is the information provided by AIT to CLECs pursuant to contract or tariff regarding dark fiber adequate (e.g., location of dark fiber facilities, ordering, etc.)? If not, what additional information should be provided?	X	X		
	Are CLECs required to be notified when fiber will be terminated or has been terminated?	X			
	Is there a process for CLECs to challenge AIT's assertion that dark fiber is not available and is that process adequate?	X	X		
(vi) Unbundled Local Switching	<b>Unbundled Local Switching</b>				
	Can ULS be used for switching intraLATA toll traffic without incurring access charges?	X			
	Has Ameritech removed all unlawful restrictions in its tariffs on ULS such that carriers will obtain access to all features and functions of the switch?	X	X		
	May Ameritech decline to provide the Switching UNE if the FCC decides to remove it from the UNE list?	X			
	What impact do Ameritech's September 10 <sup>th</sup> Comments in 6720-TI-161 have on this proceeding?	X	X		X
	<b>Customized Routing</b>				
	Does AIT's AIN Customized Routing offering comply with FCC requirements including the <i>UNE Remand Order</i> ?	X			
	Is it necessary for CLECs to follow the BFR process to request Customized Routing other than that currently offered by AIT?	X			
	If the BFR process is required, has WCOM properly requested and has AIT properly responded to WCOM's specified form of Customized Routing (e.g., over FGD trunks)?		X		
	If WCOM requested a form of Customized Routing, is the requested form technically feasible in Wisconsin?		X		
	<i>Note: Depending on the outcome of the preceding questions, other factual/legal issues may need to be resolved (e.g., NRC charges, OSS/billing costs, etc.)</i>	X	X		X
	In the event that AIT's Customized Routing offering does not comply with FCC requirements, does AIT offer OS/DA services at TELRIC-based rates, supported by a Commission-approved cost study?	X			X
	Is Customized Routing part of the Switching UNE, and if so, are the costs of performing the custom routing work itself recovered in the UNE switching rate?	X	X		X
	If Customized Routing is part of the Switching UNE, are OSS and billing costs relating to the provision of Customized Routing recovered in the UNE switching rate?	X	X		X
	<b>ULS Tariff Language – Remote Access to Call Forwarding (RACF)</b>				



Item	Issue	Legal	Factual	Action Items <sup>1</sup>	Phase II
	Issue remains open. AIT stated that activated features residing in the switch but are not used for retail are available for use by CLECs with the UNE platform. CLECs interpret AIT's UNE tariff as inconsistent with this policy. AIT agreed to modify the UNE tariff to remove any restrictions on CLEC use of unbundled local switching, including without limitation, any restrictions on basic switch functionality and/or features. AIT will respond by Aug. 21 with a draft tariff or a date by which the draft tariff will be available.			X	
	AIT agreed to develop a process to order RACF by the end of September.			X	
	Any pricing issues are deferred to Phase II.				X
	Ameritech and AT&T agreed to work off-line to develop tariff language acceptable to both parties (e.g., RACF). Parties have until Sept. 20 to identify any disputed issues.			X	
(vii) 911/E911/OS/DA	<b>Directory Assistance Listing (DAL)</b> Under FCC requirements, should DAL be priced at market-based rates or priced based on TELRIC principles? Depending on the outcome to this threshold question, factual issues may need to be resolved (e.g., price level, imputation, etc.).	X			
(viii) White Page Directory Listing	<b>Directory Listings</b> Currently, AAS sends rejects to CLECs via fax for approximately 1% of all orders. Ameritech agreed to consider sending rejects via email. Is Ameritech's offering compliant with its A-AA commitment to offer a single interface for ordering UNE-Loops and directory listings? No disputes identified at this time.		X	X	X
(ix) Numbering Administration					
(x) Databases and Associated Signaling	<b>Calling Name (CNAM)</b> Is the CNAM database a UNE? Must AIT offer CLECs access to a complete batch download of AIT's CNAM database at TELRIC-based rates for purposes of 271 compliance? Do costs of per query CNAM access make AIT's "per query access only" CNAM offering discriminatory? Depending on the outcome to these questions, other factual/legal issues may need to be resolved (e.g., Commission-approved TELRIC rates for providing complete batch download access to the CNAM database).	X			
	<b>Line Information Database (LIDB)</b> What is the proper pricing for LIDB when used for (a) local and (b) toll services?	X			
	<b>Caller ID Errors</b>				

Item	Issue	Legal	Factual	Action Items <sup>1</sup>	Phase II
	Are there systemic errors in the CNAM database causing Caller ID errors? If errors exist, they raise questions regarding the accuracy of the CNAM database and the delivery system for Caller ID. Issue remains open. AIT will investigate to determine if this issue is included in KPMG's OSS test. This issue will also be discussed at an upcoming CLEC Users forum.			X	
(xi) Number Portability	No disputes identified at this time.				
(xii) Local Dialing Parity	No disputes identified at this time.				
(xiii) Reciprocal Compensation	After the FCC's ISP Order, to what extent do CLECs have the right to opt-into reciprocal compensation provisions in interconnection arrangements with AIT?	X			
	Is AIT required to state whether or not it elects the reciprocal compensation rate cap described in the FCC's ISP Reciprocal Compensation Order before it gains its 271 approval?	X			
	Are reciprocal compensation provisions in existing interconnection agreements, which may or may not rely on the methodology established prior to the Commission's decision in 05-TI-283, sufficient for 271 compliance given the Federal District Court Decision vacating the PSCW's decision in 05-TI-283?	X			
(xiv) Resale	Are AIT's bifurcated reciprocal compensation rates developed in the 6720-TI-161 proceeding applicable if the methodology developed in 05-TI-283 is vacated?				X
	Has Ameritech Wisconsin complied with its resale obligations under TA96 and the ASCENT decision with respect to DSL transport?	X			
Public Interest	Is Ameritech's entry in the long distance market in the public interest? Legal and Factual (e.g., levels of competition, service quality, compliance record, impact of premature entry).	X	X		
	Separate Subsidiary – Does the public interest standard require Ameritech to establish a separate subsidiary for wholesale services?	X	X		
	Remedy Plan – All remedy issues are deferred to Phase II.				X
	Special Access – As part of the public interest standard, should Ameritech be required to establish performance measures and remedies for special access?	X	X		
	Win-backs – Are there any Wisconsin-specific problems related to win-back efforts or other anticompetitive conduct by Ameritech?	X	X		
	Rate Freeze – Does the PSCW have the authority to require Ameritech to freeze its UNE or wholesale rates as a condition for 271 approval?	X			
	If so, should Ameritech be required to freeze these rates for a set period of time?	X	X		
	Appeals – Does the PSCW have the authority to require Ameritech to withdraw its appeals of the Commission's decisions in the 160 and 161 dockets as a pre-condition for 271 approval?	X			
	If so, should Ameritech be required to drop its appeals as a pre-condition for 271 approval?	X	X		

Item	Issue	Legal	Factual	Action Items <sup>1</sup>	Phase II
	Tariffs – Does the PSCW have the authority to require Ameritech to tariff all its wholesale product offerings? If so, does the public interest require such tariffing?	X			
	What impact do Ameritech's September 10 <sup>th</sup> Comments, Petition to Reopen the Record, or, in the Alternative, Complaint Regarding Its Loop Conditioning Rates in 6720-TI-161 and UNE Compliance Comments have on this proceeding? Legal/Factual and will be addressed in Phase II.	X	X		
		X	X		X

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